

It seems appropriate that treaties should continue to be formulated simultaneously in all languages in which their text is to be authentic.

*International Telecommunication Union (A/37/444, p. 30)*

1. The usefulness of the creation of an international legislative drafting bureau might depend a good deal on the functions envisaged to be given to that bureau. If they were of a general nature limited to elaborating recommendations on drafting multilateral treaties without being involved in the practical drafting of any particular treaty, such a bureau might serve a useful purpose.

2 to 4. No comments, as the matter is already dealt with satisfactorily, as far as the ITU is concerned, by the provisions of the ITU Convention (see I.1 and 2 above).

*Organisation for Economic Co-operation and Development (A/36/553, p. 52)*

1. The OECD Secretariat has no view on this matter.
2. The extension of the functions of a drafting committee in the preparation of any given multilateral treaty is entirely dependent on the circumstances of a particular negotiation.
3. The Secretariat of OECD has no view on this subject.
4. Not applicable.

*World Health Organization (A/36/553, p. 58)*

The drafting process might be facilitated if treaties, rather than being formulated simultaneously in all languages in which their text is to be authentic, were originally to be formulated in only one or two languages, with additional versions being established by a special procedure later.

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NOTE

<sup>1</sup>This is based on the summary records of the discussions on this subject at the thirty-second, thirty-fifth and thirty-sixth sessions of the General Assembly.

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VIII. RECORDS, REPORTS AND COMMENTARIES

1. *To what extent should verbatim or summary records be maintained by organs formulating multilateral treaties:*
  - (a) *Expert groups?*
  - (b) *Restricted representative groups?*
  - (c) *Various organs of plenipotentiary conferences:*
    - (i) *Main Committees?*
    - (ii) *Negotiating committees?*
    - (iii) *Drafting committees?*
2. *Whether verbatim or summary records are kept, and especially if they are not, should certain organs and conferences prepare more complete records*

*of their negotiations, indicating various positions taken and the reasons for changes in the text? Who should prepare such reports?*

3. *Should commentaries normally be prepared on draft treaty texts formulated:*
  - (a) *By expert groups?*
  - (b) *By representative organs?*
4. *Should a systematic effort be made to prepare and publish the travaux préparatoires of most or all multilateral treaties? If so, should this primarily be done by:*
  - (a) *The secretariat unit concerned?*
  - (b) *UNITAR?*

#### A. SUMMARY OF GENERAL VIEWS EXPRESSED DURING THE DEBATE<sup>1</sup>

1. Those representatives who commented on this subject preferred that adequate records and reports should be maintained by all organs and conferences formulating multilateral treaties. However, the preparation of commentaries was regarded as an extremely difficult task because even objective analyses might sometimes become a source of confusion, and when provisions were adopted by consensus States might prefer to adhere to their own interpretations.

2. The view was expressed that *travaux préparatoires* represented an important source in understanding the considerations underlying the various clauses of a treaty and would help particularly those developing countries that did not have the resources to collect and maintain extensive records in their archives. Some representatives considered that the *travaux* should be prepared and published by the United Nations Secretariat or the conference formulating multilateral treaties, and that UNITAR should be encouraged to continue its work in respect of the *travaux* of treaties promulgated by the United Nations. One representative suggested that the Secretariat should be asked to prepare a detailed report on how to determine what kind of conference (e.g., all diplomatic conferences or only conferences dealing with legal topics) should prepare and publish official records, and what should be included in them.

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#### B. WRITTEN COMMENTS AND OBSERVATIONS BY GOVERNMENTS

*Argentina (A/36/553, p. 11)*

1. Verbatim records should be kept at least for the main committees of plenipotentiary conferences and for as many as possible of the organs normally engaged in the formulation of treaties.

2. A full report should be prepared of the discussions on every treaty that is adopted, indicating various positions taken, the arguments on which they are based, the reasons for changes in the texts and other points of interest.

3. Commentaries on draft treaty texts formulated by expert groups or by representative organs provide additional documentation relating to the pre-

conference phase and, together with commentaries on the texts of treaties already drafted, are of particular importance, when incorporated in the *travaux préparatoires*, in helping those legal organs of States that are responsible for ratification.

4. A systematic effort to prepare and publish the *travaux préparatoires* of most or all multilateral treaties would make an extremely valuable contribution to the full understanding of conventional international law on conventions, the progressive development of which is the responsibility of the United Nations.

*Australia (A/37/444, p. 10)*

1. As a general rule, summary records should be maintained only for plenary sessions of a conference and sessions of Main Committees or Committees of the Whole. Records of negotiations provide a means for the interpretation of treaties. There is, therefore, value in records of negotiations, including documents formally circulated during negotiations, being as complete as possible.

2. This question is not entirely clear. The official reporting of various positions taken and the reasons for changes in the text are a sensitive matter. If it is to be undertaken at all, the report should be examined, and made subject to adoption, by the conference which negotiated the text.

3. Commentaries on draft treaty texts of the type prepared by the International Law Commission are of great assistance for treaties which purport to modify or build upon customary international law. The preparation of systematic commentaries on texts is a task best undertaken by expert groups.

4. A systematic effort should be made to prepare and publish the *travaux préparatoires* of multilateral treaties. A secretariat unit can play an important role in collecting much of the relevant documentation during the negotiations. However, because the work of preparing a full account of the *travaux préparatoires* will continue after the conclusion of the treaty, it would be useful to have an expert prepare and publish the *travaux préparatoires* of all major multilateral treaties.

*Austria (A/35/312/Add.1, pp. 4-5)*

1. *Records*

1. It is not felt that serious problems are caused by the practice of some of the committees, sub-committees or working groups, etc., composed by representatives of States and entrusted with the preparation of a draft text, to dispense with records. Although it may be true that official records are helpful for delegations whose membership might change between sessions, private records of the delegation or at least the delegation's interval reports to its authorities would normally provide a remedy. A remedy surely could also be found in somewhat more extensive committee reports reflecting the main trends of the discussion. The problem is, therefore, rather one of internal administrative organization. The minor and subsidiary role which the Vienna Convention on the Law of Treaties in article 32 assigns to the preparatory work of a treaty would not seem either to justify an extension of records.

2. It would rather seem that stringent reasons militate in favour of maintaining the present practice. Crucial negotiations might be seriously impaired—if not made impossible—when everything that is said risks to become part of a record and thus part of the public domain. If proof is needed, such proof is provided by the growing number of anonymous working papers in already confidential negotiations, a clear indication of the necessity to facilitate the submission of new ideas during the negotiating process without officially committing the negotiators. An exercise outside the United Nations—i.e. the Conference on Security and Co-operation in Europe—provides an additional pertinent example. It seems that, for the sake of achieving a result, some sacrifice has to be made in respect of the historic record.

3. Moreover, many negotiating committees have already adopted the practice of enlarging their reports in such a manner as to include a summary of all relevant positions expressed during negotiations with a view to satisfying the legitimate interests of non-participating States.

## 2. *Commentary*

4. A commentary on draft articles which are to be submitted for adoption to a diplomatic conference or a United Nations organ is obviously of great value since it permits a better understanding of the text, elucidates the history of formulations and explains the reasons which led to them. But for the very same reasons, a commentary of such nature can be established only on a draft text which has been arrived at in an open—one might say rational—way. This will normally be the case if the text emanates from a committee of experts.

5. In a committee composed of representatives of States, the real reasons for which a particular formulation may be chosen are not necessarily indicated. Moreover, the text, whether achieved by a vote or by consensus, is not only the result of a meeting of wills but also of a meeting of various motives and reasons. Thus, the negotiating or decision-making process, determined as it is by the necessity to accommodate different interests, is not a process which can be termed logical from a legal point of view and cannot, therefore, be explained in a rational commentary. Hence, it seems useless to burden committees composed of representatives of States by insisting on their adopting a commentary on any draft text on which they agree, since that commentary would be of little value.

## 3. *Commentary on the text of a convention*

6. It has been suggested that a diplomatic conference or an organ of the United Nations should, when adopting the text of a multilateral instrument, also adopt a commentary on it. Such a commentary seems both unnecessary and impossible to achieve. The commentary is unnecessary because it would not be ratified and would thus be only a supplementary means of interpretation under article 32 of the Vienna Convention on the Law of Treaties. Moreover, if a commentary really clarified an otherwise obscure text and commanded general support, it should rather be incorporated into the text than remain separate as a commentary. The commentary seems impossible to achieve because the motives for which States prefer a particular formulation over another may differ as widely as their understanding of it. It is precisely because those motives or understandings are not publicly voiced that an agree-

ment on the text is often achieved. This could, obviously, not happen were a commentary to explain the variety of motives and understandings, and even less if it were to favour one motive or understanding over the other. There is also a great difference between the declaration by a State, made to a conference, that it accepts a text on a particular understanding, and the conference taking note or even approving such a declaration.

7. It is a further misunderstanding to refer in this respect to the explanatory memoranda "which in some States accompany legislation". Such memoranda, where they exist, accompany draft legislation and are submitted by the authority that introduces the draft (in most cases the Government). Their function is comparable to that of the commentaries of the International Law Commission, in that they are an aid to the decision-making process of the legislative body, but are not adopted by it and do not acquire a specific legal status.

*Brazil (A/36/553, p. 15)*

1. Verbatim or summary records are always useful for future reference, as they may be helpful in clarifying the meaning of certain provisions of a treaty. Whenever possible they should be kept and published. Reports with indication of positions taken and reasons for changes in texts do not provide the same degree of information and are not easy to prepare. Only in very special cases, when the preparation of summary records would be too onerous from the administrative or financial point of view, would it be advisable to rely on such reports.

2. A systematic effort to prepare and publish the *travaux préparatoires* of most or all multilateral treaties would seem too ambitious a task. The Secretariat or UNITAR could, however, with approval of the General Assembly, undertake the task of publication of such *travaux* on a selective basis.

*Byelorussian Soviet Socialist Republic (A/36/553/Add.1, p. 3)*

There is no need to make rules concerning the extent of and need for verbatim and summary records and commentaries to draft treaties. As can be seen from existing practice, the matter may be dealt with in a way appropriate to each specific case.

*Canada (A/35/312/Add.1, p. 19)*

The Canadian authorities also consider that a review of the multilateral treaty-making process should include an examination of the adequacy of the *travaux préparatoires* with a view to achieving, in so far as is possible, consistency in the quality of the documentation so that a complete and accurate record of the negotiations is available in all cases.

*Cuba (A/36/553, p. 20)*

1. (a) Summary records.
- (b) Summary records.
- (c) (i) Verbatim records.

- (ii) Verbatim records.
- (iii) Summary records.

2. Any explanatory summary should be produced by the organ formulating the text. Such a summary could assist in analysis, especially in cases where decisions have been taken on contentious points and there are no records, or where certain matters are to be submitted to another organ for a decision.

- 3. (a) Yes.
- (b) Yes.
- 4. (a) Yes.
- (b) No.

*Germany, Federal Republic of (A/36/553, p. 25)*

1. Verbatim or summary records should in principle be maintained for plenary sessions and sessions of the Committee of the Whole. Whether they are necessary for meetings of other committees as well depends on the nature of the subject under negotiation.

2. Records of negotiations are a useful means of indicating the meaning and purpose of a treaty that has been adopted. However, the importance of such preliminary work for the interpretation of treaties should not be over-rated.

*Indonesia (A/37/444, p. 14)*

Principally, the verbatim and summary records are necessary only in the sessions of the plenary and whole committees which are based upon consensus. The need for the proceedings of the committee to be recorded will depend upon the nature of the problem. The reports should be formulated by an expert or small group.

*Italy (A/36/553, p. 29)*

1. It should not be forgotten that while the recourse to preparatory work is a useful means for interpreting treaties, it is not the basic criterion followed by the Vienna Convention of 1969. In this context it is not always necessary to have analytical summaries or verbatim records of all the activity of international negotiating bodies. This is worth while only with regard to main committees of international conferences and, in the interest of co-ordinating texts in several languages, to drafting committees. For the rest, it is preferable to decide case by case, while leaving to the discretion of individual States participant to a negotiation the decision of whether or not to make their decisions public (i.e. by setting them forth in an official document). The decision to elaborate comments to draft conventions should similarly be taken case by case, although in most cases the affirmative solution will be self-imposed.

2. When a decision is made to publish the preparatory work of a treaty, UNITAR might play a role if it is endowed with experts of obvious renown and guaranteed impartiality.

*Mali (A/36/553, p. 31)*

1. In connection with the formulation of multilateral treaties, summary or verbatim records should be maintained for expert groups and restricted representative groups.

2. Commentaries should normally be prepared on drafts formulated by expert groups.

*Mexico (A/36/553, p. 36)*

1. With respect to verbatim or summary records, the ideal would be for every organ participating in the formulation of a multilateral treaty, except those informal negotiating bodies in which records would be an impediment to the work, to have records that would chronicle the entire negotiating process for the purposes of article 32 of the Vienna Convention on the Law of Treaties. With regard to the question of more complete records, however, since for budgetary purposes it is uneconomic to keep verbatim or summary records for all such organs, they should be kept at least for the plenary and the main committees of a plenipotentiary conference.

2. The absence of records in other organs can be successfully compensated for with *in extenso* reports by the Rapporteur or Chairman, as the case may be. Since, in the United Nations, the Secretariat normally prepares draft reports for the rapporteurs, experienced officials of the Secretariat should make an effort to rationalize such reports and make them more systematic, subject, of course, to the responsibility of the rapporteur for the final wording of his report.

3. The International Law Commission's practice of preparing commentaries on its draft articles has proved to be of value. Any collective body or any Government submitting preliminary drafts for a treaty should follow that good practice.

4. A systematic effort to compile and publish the *travaux préparatoires* of most multilateral treaties would be especially useful for all students of international law and for the purposes of article 32 of the Vienna Convention on the Law of Treaties.

5. Since such work would not require research but merely compilation and publication, it should be entrusted to the Secretariat of the United Nations, leaving the research work to UNITAR.

*Netherlands (A/36/553/Add.1, p. 10)*

1. In general, documentation which clarifies the results of negotiations is very useful. However, records, reports etc. are to be used cautiously, because they often provoke "speeches for the record" and tend to fix the positions of delegations. One should also bear in mind that sometimes results can be achieved only in smaller groups and that those results are possible only because the negotiating process as in such small groups remains unknown to the outside world.

2. Commentaries should preferably be prepared by expert groups. A systematic effort to prepare and publish the *travaux préparatoires* should indeed be made, primarily by the Secretariat unit concerned.

3.<sup>2</sup> In the regional context (e.g., the Council of Europe), non-binding explanatory notes are customarily attached to an established treaty. Whether such a formula is also desirable for universal treaties will have to be considered in each individual case. Accompanying comments/explanatory notes can fulfil a useful function if differences arise over the interpretation or application of the treaty in question. On the other hand, such explanatory notes can impede the treaty-making progress by limiting the margin for interpretation, which some States might desire. Explanatory notes should in any case make clear the extent to which the attitudes of the Member States have converged.

*Qatar (A/37/444, p. 17)*

Summary records must be maintained for meetings of the main committees. As a general rule, commentaries should be prepared on drafts formulated by expert groups.

*Republic of Korea (A/37/444, p. 20)*

One cannot overemphasize the importance of maintaining adequate records and reports in all relevant bodies, and the need for publication of *travaux préparatoires* is undoubtedly great.

*Spain (A/36/553/Add.I, p. 17)*

1. There should be summary records only for meetings of Main Committees.
2. In the preparatory stage, there should be reports on the meetings of expert groups, especially when such groups submit preliminary draft or draft treaties. These reports should be drawn up by the corresponding groups with the help of the Secretariat.
3. As we have already indicated, only by expert groups.
4. Yes, wherever possible. This should be done by the secretariat unit concerned.

*Switzerland (A/37/444, p. 23)*

Les comptes rendus analytiques ou sténographiques devraient être maintenus pour les séances plénières des conférences, ainsi que pour les réunions des grandes commissions. S'il est utile, voire indispensable, de pouvoir déterminer quelle a été la position respective des Etats au cours de la discussion d'un traité, cette exigence ne s'étend pas aux travaux des groupes restreints et autres comités de négociation pour lesquels l'absence de publicité est souvent une condition de succès. Etant donné que les travaux préparatoires doivent permettre d'éclairer après coup les choix opérés par les auteurs des projets de traités, ceux-ci devraient être assortis d'un commentaire lorsqu'ils sont établis par des experts. L'élaboration et la publication des travaux préparatoires devraient être confiées aux secrétariats intéressés, normalement mieux équipés à ces fins que l'UNITAR.

*Ukrainian Soviet Socialist Republic (A/36/553, p. 40)*

There is no need to regulate the arrangements regarding verbatim or summary records or commentaries on draft treaties. In making arrangements, attention should be paid to the existing practice whereby an individual approach is adopted towards specific draft multilateral treaties.

*Union of Soviet Socialist Republics (A/36/553/Add.2, p. 2)*

There is no need to regulate the arrangements regarding verbatim or summary records, or commentaries on draft treaties. The relevant arrangements should be made, as is the case in existing practice, not on the basis of a standard model but in a way appropriate to individual draft multilateral treaties.

*United Kingdom of Great Britain and Northern Ireland  
(A/35/312/Add.1, p. 32)*

The present review provides an occasion for looking again at the question of the records of the preparatory work of treaties. It is considered that more could usefully be done to prepare analytical collections of records. Such collections do exist for certain multilateral treaties, such as the Vienna Conventions on Diplomatic and Consular Relations and the Law of Treaties, which have been concluded at diplomatic conferences. However, this is not the case with many other important treaties, including the Human Rights Covenants, which have been drawn up within the United Nations framework. It is recalled that it is the practice in some regional organizations to draw up explanatory reports on Conventions, and that a commentary was prepared on the Single Convention on Narcotic Drugs.<sup>3</sup> These explanatory reports and commentaries may provide guidance to the records of the preparatory work, and will in any event shed light on the meaning of particular provisions in the text of the Convention. Without making any firm proposal, consideration should be given as part of the present review to this and other possible means of improving knowledge of and access to the records of preparatory work of treaties.

*United States of America (A/35/312/Add.1, p. 39)*

1. The final report prepared by a conference that adopts a treaty text should be comprehensive. The reports should provide a summary of the negotiations, and information on any articles where the opinion of the conference or a significant number of delegates differs from that of any body of experts, such as the International Law Commission, that initially drafted the treaty text. The report should emphasize any changes in the treaty structure made by the conference, whether amendments to or deletions of particular articles, or new articles. A rapporteur of some skill would be required to draft a detailed report of this kind, in which extensive assistance of the secretariat is vital.

2. Closely related is the importance of records of committees and working groups. It is not essential to have a verbatim or even summary text of the debate in such groups—indeed, its preparation could inhibit supple and productive negotiation of differences—but it is important to have a history of their negotiations, and a record of the intention of the members concerning the meaning of the final text proposed by them, at any rate where its members

agree that a revelation of their intentions will be constructive. It may be that such records should not identify particular States as taking specific positions.

3. Plenipotentiary conferences need not only be carefully prepared but well organized if they are to be successful. The selection of key officers of the conference is a vital factor in maximizing the chances of success. Capacity and experience must be the paramount consideration, with due regard being paid to geographic distribution. The President, Chairmen of Committees of the Whole and Chairman of the Drafting Committee should if possible be selected well before the opening of the session.

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C. WRITTEN COMMENTS AND OBSERVATIONS BY INTERNATIONAL ORGANIZATIONS

*Council of Europe (A/36/553, p. 45)*

1 and 2. In the Council of Europe, the documents made available in connection with the formulation and negotiation of European treaties are the following:

- (i) Working papers: papers submitted by delegations and notes prepared by the Secretariat;
- (ii) Reports of meetings of the expert committee, not always containing detailed descriptions of the positions of the various delegations;
- (iii) The final report of the work of the expert committee, containing the final draft of the convention and the commentary thereon;
- (iv) Conclusions of meetings of the Committee of Ministers, which is responsible for adopting the text and opening the convention for signature by member States.

3 and 4. The practice in the Council of Europe is to produce a commentary on each convention or agreement. It is normally prepared by the Secretariat and approved by the expert committee responsible for drafting the convention or agreement. The Committee of Ministers must authorize its publication.

4. Yes. Such a publication would be useful, at least with respect to the most important treaties; see, for instance, the publication of the *travaux préparatoires* of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

*International Atomic Energy Agency (A/37/444, p. 27)*

1. It would be necessary to maintain summary records of discussions at the bodies listed in paragraph 1(a) and (b). As for the bodies described in paragraph 1(c), at least summary records should be prepared to cover discussion at the main committees of plenipotentiary conferences, whereas reports indicating the outcome of discussion may be sufficient or even more desirable than summary records in case of negotiating and drafting committees. Summary records should always be prepared in such a manner as to indicate various positions taken and proposals made by delegates, explanatory notes given by the drafter (e.g. the secretariat, delegates) of the text and the reasons for changes in the wording of the text.

2. With the exception of certain types of treaties such as those emanating from the ILC, it would not be very practicable or necessary to prepare commentaries on the provisions of treaties.

3. The preparation and publication of the *travaux préparatoires* could normally be best done by the secretariat unit concerned.

*International Telecommunication Union (A/37/444, p. 30)*

1 and 2. No comments, as the present practice followed by the ITU with regard to records and reports (see the ITU's first contribution referred to until I.1. above) gives full satisfaction.

3. The preparation of commentaries on draft treaty texts appears to be of little use and a possible waste of time and man-power. On the other hand, it may be quite useful to elaborate commentaries on the final texts of a treaty adopted. The mandate for such a work should certainly come from the competent policy-making or "representative organ" of the organization concerned, but it seems to be quite difficult, if not impossible, to imagine that such an organ prepares itself any such commentaries. The preparation itself might be entrusted either to a small expert group or the secretariat of the organization concerned. After their elaboration, such commentaries might need the approval of the organ having given the mandate therefor.

4. The preparation and publication of the *travaux préparatoires* of any multilateral treaty appear to be quite useful. This work should, however, be entrusted not to UNITAR, but to the secretariat of the organization concerned.

*Organisation for Economic Co-operation and Development (A/36/553, p. 53)*

1. (a) and (b) The maintenance of secretariat records of the proceedings of expert groups or restricted representation groups can often be of considerable use. Practice at OECD is to prepare summary records.

(c) (i) The maintenance of summary records of the proceedings of main committees of plenipotentiary conferences is equally useful.

(ii) and (iii) The maintenance of verbatim or summary records of negotiating committees or drafting committees can have the disadvantage of inhibiting flexibility and compromise.

2. See answer in paragraph 4.

3. The preparation by the OECD Secretariat of commentaries on draft treaty texts prepared by expert groups or representative organs is often used and has proved to be very helpful in the course of negotiation.

4. To the extent that financial means are available to do so, the preparation and publication of *travaux préparatoires* could undoubtedly be of great use. The OECD Secretariat is not in a position to reply to the specific question of who should prepare such *travaux préparatoires* within the United Nations Organization or Organizations of the United Nations system.

*World Health Organization (A/36/553, p. 58)*

1. No comments.

2. Whether verbatim or summary records are kept and especially if they are not, the secretariat of certain organs and conferences should prepare more complete records of their negotiations, indicating various positions taken and the reasons for changes in the text.

3. Commentaries that go beyond the mere recording of the *travaux préparatoires* should normally be prepared on draft treaty texts and should be formulated by expert groups.

4. A systematic effort should be made, by the secretariat unit concerned, to prepare and publish the *travaux préparatoires* of most or all multilateral treaties.

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#### NOTES

<sup>1</sup>This is based on the summary records of the discussions on this subject at the thirty-second, thirty-fifth and thirty-sixth sessions of the General Assembly.

<sup>2</sup>A/35/312/Add.1, p. 23.

<sup>3</sup>*Commentary on the Single Convention on Narcotic Drugs, 1961* (Sales No. E.73.XI.1). Two similar studies were prepared on related instruments: *Commentary on the Convention on Psychotropic Substances* (E/CN.7/589; Sales No. E.76.XI.5) and *Commentary on the Protocol Amending the Single Convention on Narcotic Drugs, 1961* (E/CN.7/588; Sales No. E.76.XI.6).

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#### IX. POST-ADOPTION PROCEDURES

1. *Should the United Nations consider and take any action in respect of the procedures by individual States to ratify and bring into force multilateral treaties formulated under its auspices?*
2. *Should a questionnaire be addressed to States as to why they fail to become parties to multilateral treaties?*
3. *Should the United Nations seek to establish a legal régime, following the example of some inter-governmental organizations, under which it could require:*
  - (a) *A commitment from each Member State that it will submit treaties to the appropriate domestic organs with a view to authorizing ratification?*
  - (b) *Periodic reports concerning the steps taken towards ratification?*
4. *Should special rapporteurs or other experts who helped in negotiating a treaty be made available to assist States with their internal ratification procedure?*
5. *Should an attempt be made, in respect of certain categories of treaties to provide for their automatic entry into force except in respect of States that voted against adoption or that submit an opting-out notice?*
6. *Should treaties or certain categories of treaties normally provide for provisional entry into force, at least among those States that voted for their adoption and that do not submit an opting-out notice?*