

Vienna under United Nations auspices from March 21 to May 24, 1968 and from April 9 to May 23, 1969.

The Treaties Conference took as the basis of its work draft articles drawn up by the International Law Commission in the course of eighteen years of work. At its first session in 1949 the Commission had selected the law of treaties as a priority topic for codification. Growing support for a written code of international treaty law came not only from newly independent States that wished to participate in such an endeavor, but from many older States that favored clarification and modernization of the law of treaties. As a result the General Assembly of the United Nations in 1966 unanimously adopted resolution 2166 (XXI) convening the Law of Treaties Conference.

The Treaties Convention which emerged from the Vienna Conference is an expertly designed formulation of contemporary treaty law and should contribute importantly to the stability of treaty relationships. Although not yet in force, the Convention is already generally recognized as the authoritative guide to current treaty law and practice.

The Convention sets forth rules on such subjects as conclusion and entry into force of treaties, the observance, application, and interpretation of treaties, and depositary procedures. More importantly, it contains impartial procedures for dealing with disputes arising out of assertions of invalidity, termination and suspension of the operation of treaties, thus realizing a basic United States objective. The Convention consists of eight parts. Procedures for handling most important disputes are contained in an Annex. The major provisions of the Convention are as follows:

PART I—INTRODUCTION

The Convention applies to treaties between States (Article 1) but only to treaties concluded after the entry into force of the Convention with regard to such States (Article 4).

“Treaty” is defined as an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation (Article 2). Thus it applies not only to formal treaties but to agreements in simplified form, such as exchanges of notes. Article 2 also defines other terms used in the Convention, but specifies that the Convention’s use of terms is “without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State.”