

The Provisional Application of Treaties

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Introduction

In 2012, the International Law Commission decided to include the topic “the provisional application of treaties” in its programme of work and to appoint a Special Rapporteur, in conformity with its Statute.¹

In doing so, the Commission followed the recommendation of its Working Group on the Long-Term Programme of Work, which had before it a syllabus² prepared by the now ICJ judge, Mr. Giorgio Gaja, who at that moment highlighted the most relevant aspects that, in his opinion, needed to be taken into consideration, namely:

- The variety of existing provisional application clauses, in both bilateral and multilateral treaties, which made it difficult to extract a homogeneous and uniform practice from the States; and
- the fact that, even if the 1969 Vienna Convention on the Law of Treaties establishes the necessary conditions for resorting to provisional application and to its forms of termination, several aspects of its regime were not entirely clear, especially its legal effects.

¹ United Nations, *The Work of the International Law Commission* (New York, 2017) pp. 274 -276.

² Report of the International Law Commission A/66/10, Annex C.

In broad terms, the main objective was to shed light on a provision contained in Article 25 of the Vienna Convention on the Law of Treaties (VCLT), which attracted limited interest both in the International Law Commission and in the Diplomatic Conference in comparison with other provisions of the Law of Treaties.

Article 25 seems to a rather simple and straightforward provision.³ However, Article 25 of the VCLT remains silent on a number of issues. For instance, it does not mention anything about the legal effects⁴ of the provisional application of treaties or concerning the different modalities to resort to this provision, just to mention the most salient.

Taking these premises into consideration, we will briefly describe the process followed by the Commission in order to address the topic.

The four reports by the Special Rapporteur

The Special Rapporteur conducted, first, informal consultations with ILC members and benefited with two memoranda⁵ of the Secretariat on the legislative history of Article 25 of both the 1969 VCLT and the 1986 Vienna Convention on the Law of Treaties between States and International Organizations and between International Organizations (VCIO).

One of the most interesting findings, particularly in relation to the 1969 VCLT, is that, both the *travaux préparatoires* and the Diplomatic Conference, Member States considered the possibility that the notion of provisional application could be defined as something close to an *interim* or *transitory* entry into force. This was ultimately ruled out and provisional application was defined in terms distinct from Article 24 on the entry into force.⁶

³ “Article 25.

Provisional Application

1. A treaty or a part of a treaty is applied provisionally pending its entry into force if:

- a) The treaty itself so provides; or
- b) The negotiating States have in some other manner so agreed.

2. Unless the treaty otherwise provides or the negotiating States have otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State shall be terminated if that State notifies the other States between which the treaty is being applied provisionally of its intention not to become a party to the treaty. ”

⁴ Martin A. Rogoff and Barbara E. Gauditz, ‘The Provisional Application of International Agreements’ (1987) vol. 39 *Maine Law Review*, No. 1, p. 41.

⁵ A/CN.4/658 A/CN.4/676.

⁶ Article 24, Vienna Convention, 1969.

In the course of the study undertaken by the Commission on the basis of the reports submitted by the Special Rapporteur⁷, it became clear that much of the confusion surrounding the legal regime of Article 25 derives from a certain ambivalence regarding the definition of provisional application. This has resulted in a lack of uniformity in the practice of States and Secretariats of international organizations, when the latter act as depositaries of treaties or are entrusted with registration responsibilities, particularly in the case of the United Nations under Article 102, Paragraph 1, of the UN Charter.⁸

Therefore, the first report by the Special Rapporteur aimed at providing an introduction to the study of provisional application. It sought to identify in the practice of States the reasons that may explain the resort to provisional application. It also addressed issues related to the use of appropriate terminology, and developed a future work plan.⁹

At this preliminary stage, some members of the Commission as well as Member States raised objections with respect to an approach that was directed at extracting the main advantages for resorting to provisional application of treaties, out of concern that the Commission might be seen as promoting a mechanism that could result in circumventing Constitutional requirements or other domestic law procedures for the approval of treaties.¹⁰ Although this was never the intention of the Commission, it appeared thereafter that the relationship between provisional application and domestic law had to be addressed.

The second report by the Special Rapporteur was focused on the analysis of the legal effects of provisional application.¹¹ Undoubtedly, this is the most important component of the Commission's study on the subject.

Both of these reports, developed from a rather inductive theoretical standpoint, supported the elaboration of the third report, where the Special Rapporteur submitted a first review of the relationship of Article 25 with other provisions of the 1969 VCLT.¹²

⁷ A/CN.4/664, A/CN.4/675, A/CN.4/687, A/CN.4/699, A/CN.4/699/Add.1, A/CN.4/718, A/CN.4/718/Add.1.

⁸ Article 102, Paragraph 1, Charter of the United Nations.

⁹ J. Gómez-Robledo, *First report on the provisional application of treaties A/CN.4/664* (2013).

¹⁰ United Nations General Assembly, A/CN.4/666, pp. 12 - 13; United Nations General Assembly, A/CN.4/678, pp. 18 - 21.

¹¹ J. Gómez-Robledo, *Second report on the provisional application of treaties A/CN.4/675* (2014).

¹² J. Gómez-Robledo, *Third report on the provisional application of treaties A/CN.4/687* (2015).

This analysis referred to the relationship of provisional application with articles: 11, means of expressing consent to be bound by a treaty; 18, obligation not to defeat the object and purpose of a treaty prior to its entry into force; 24, entry into force; 26, *Pacta sunt servanda*; and 27, internal law and observance of treaties.

In addition, a first discussion of provisional application in relation to treaties between States and international organizations, and between international organizations thus, introducing the study of the 1986 Vienna Convention. Notwithstanding the fact that the 1986 Convention has not yet entered into force and regardless of whether it reflects customary international law or not, the Special Rapporteur felt that this Convention had to be part of the overall research given the important practice of States in their treaty relations with international organizations related to provisional application.

This study was divided into three parts:

- i) Provisional application of treaties establishing international organizations and international regimes;
- ii) Provisional application of treaties negotiated within international organizations or at diplomatic conferences convened under the auspices of international organizations, and;
- iii) Provisional application of treaties to which international organizations are parties.

Taking into consideration States' comments, which proved to be more numerous than usual, the debates held in the Sixth Committee of the General Assembly and the discussions of the Commission, the Special Rapporteur submitted a first package of six draft guidelines,¹³ aimed at constituting at a later stage a Guide to practice, given that this project lends itself more to the elaboration of a practical tool for users instead of any other final products in the tradition of the Commission, such as draft articles or conclusions.

In his fourth report,¹⁴ the Special Rapporteur addressed two issues:

- On one hand, a continuation of the study of the relationship of provisional application with other provisions of the 1969 Vienna Convention, in particular:
 - Part II, Section 2: Reservations;
 - Part V, Section 2: Invalidity of treaties;

¹³ *Ibid*, pp. 27-28.

¹⁴ J. Gómez-Robledo, *Fourth report on the provisional application of treaties A/CN.4/699* (2016).

- Part V, Article 60: Termination or suspension of the operation of a treaty as a consequence of its breach and;
- Part VI, Article 73: Cases of State succession, State responsibility, and outbreak of hostilities.
- On the other hand, the practice of international organizations in relation to provisional application of treaties, particularly:
 - The United Nations, concerning both its registration and depositary functions, as well as the UN Secretariat publications on treaties, that are intended to assist States in their practice;
 - The Organization of American States (OAS);
 - The European Union;
 - The Council of Europe;
 - The North Atlantic Treaty Organization (NATO), and;
 - The Economic Community of West African States (ECOWAS)

An additional draft guideline (draft guideline 10),¹⁵ on the possibility to agree on limitations to the provisional application of a treaty derived from domestic law, is to be found in the fourth report.

With this material, between 2016 and 2017, the Drafting Committee provisionally adopted a set of 11 draft guidelines, with their respective commentaries.

Both the debates in the Sixth Commission and the contributions submitted by Member States and international organizations came to the conclusion that provisional application, contrary to what one might think at first sight, is a highly resorted mechanism, even if in practice it lacks uniformity. But the real problem arises from the fact that practice on provisional application of treaties is not easily accessible and this represents a challenge for the systematization and analysis of the information, as explained in the fourth report.¹⁶

The United Nations Treaty Section acting under Article 102, paragraph 1, of the UN Charter, has registered a grand total of 1,733 treaties subject to provisional application, and, from 1946 to 2015, a total of 1,349 provisional application actions were registered.¹⁷ Nevertheless, it is important to point out that the registration function was first established in the regulations on registration adopted by the United Nations General Assembly in 1946, ergo prior to the adoption of the Vienna Convention on the Law of Treaties and, therefore, it did not envisage special

¹⁵ *Ibid*, p. 38.

¹⁶ *Ibid*, pp. 22-26.

¹⁷ *Ibid*, p. 23.

provisions on provisional application. Given this scenario, the criterion agreed by the Sixth Committee of the General Assembly for the purposes of registering treaties under Article 102 of the UN Charter has equated, de facto, provisional application with entry into force.¹⁸ Therefore, the diversity of provisional application clauses contained in treaties that have been registered with the UN General Secretariat is so wide and varied that the Section of Treaties has generated 14 different search criteria with respect to actions related to provisional application. This not only hinders the investigation, it adds more confusion for the users.

It is therefore evident that the General Assembly must review and update its regulations on registration. The delegation of Brazil has presented, along with other delegations, a request to include a new item in the Sixth Committee's agenda in order to make this much-needed revision.

On the basis of this difficulty to track and identify relevant State practice, the Commission requested the Secretariat a new memorandum, issued on March 2017¹⁹, which reviews State practice in respect of bilateral and multilateral treaties, deposited or registered in the last 20 years with the Secretary-General of the UN, that provide for provisional application of the treaty or a part of the treaty concerned.

The fifth report²⁰ resumed the analysis of views expressed by Member States, either through the debates in the Sixth Committee or through written comments.

It contains additional information on the practice of three other international organizations:

- The International Organization of *la Francophonie* (OIF);
- The International Labor Organization (ILO); and
- The European Free Trade Association (EFTA)

Two new draft guidelines were submitted:

- The first related to termination or suspension of the provisional application of a treaty or a part of a treaty as a consequence of its breach (draft guideline 8 bis);²¹ and,
- The second related to the formulation of reservations (draft guideline 5 bis).²²

A section proposing eight model clauses covering different aspects of provisional application was also included. This answers States general request formulated during

¹⁸ *Ibid*, p. 25.

¹⁹ A/CN.4/707.

²⁰ J. Gómez-Robledo, *Fifth report on the provisional application of treaties A/CN.4/718* (2018).

²¹ *Ibid*, p. 18.

²² *Ibid*, p. 19.

the debates in the Sixth Committee. Who believed that model clauses could be helpful to orient users.

The draft model clauses address elements that reflect the most clearly established practice of States and international organizations, while avoiding other elements that are not reflected in practice or are unclear or simply legally imprecise.²³

It is important to highlight that none of the proposed wording of this set of model clauses is taken verbatim from any existing treaty. The objective is precisely to fill gaps and shortcomings detected in all the provisional application clauses that were analyzed in the course of the project.

Following the discussion of the fifth report, the Drafting Committee examined the additional guidelines on termination and suspension for breach and on reservations. Afterwards, the complete set of guidelines on provisional application constituting the Guide to Provisional Application of Treaties with commentaries was adopted at first reading in 2018²⁴. In practical terms, this means that the guidelines will now be in the hands of the General Assembly to be reviewed and considered in 2019, and they will return to the ILC in 2020 for the final review and adoption at second reading. Due to lack of time, the Commission could not complete the consideration of the draft model clauses. It will revert to them during the second reading of the Guide.

The main reasons for resorting to provisional application

Four main situations have been identified where Member States tend to resort to provisional application more frequently, such as: emergency situations, the need to have a flexible regime, at times precaution, and finally, the transition to imminent entry into force of a treaty.

1. Regarding emergency situations, provisional application clauses have proven to be particularly relevant in situations of natural disasters. Both the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, both negotiated under the auspices of the International Atomic Energy Agency (IAEA),²⁵ contain explicit provisional application clauses. These conventions were concluded following the 1986 accident

²³ *Ibid*, pp. 19-22.

²⁴ See annex 1: United Nations General Assembly, *Provisional application of treaties 'Text and titles of the draft guidelines adopted by the Drafting Committee on first reading'* A/CN.4/L.910.

²⁵ Convention on Early Notification of a Nuclear Accident, International Atomic Energy Agency (Vienna, 26 September 1986). Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, International Atomic Energy Agency (Vienna, 26 September 1986).

at the Chernobyl nuclear power plant.²⁶ The objective in this kind of situations is clear: to implement the provisions of a treaty, given its very nature, as soon as possible.

As far as the law on the conduct of hostilities is concerned and whose very purpose is to limit the means of war, both the 1997 Ottawa Convention on the Prohibition of Anti-Personnel Mines²⁷ and the 2008 Convention on Cluster Munitions,²⁸ the negotiating States decided to provisionally apply the core provisions of these treaties which entails *de facto* a definite commitment of prohibition, given their absolute nature.

2. As for the argument of flexibility, the needs of States may make it desirable to speed up the implementation of a treaty and these needs cover a myriad of situations that can hardly be categorized. A recent example nonetheless gives an idea of what is to be understood for this purpose: the accession of the Syrian Arab Republic to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction.²⁹

Syria deposited its instrument of accession to this international treaty on 14 September 2013,³⁰ at a time of high international tensions and as part of an international agreement involving the main powers. In accordance with the treaty, its entry into force would take place 30 days after the accession. Despite the relatively short period of time, given the prevailing political circumstances, it was completely unacceptable to wait until the entry into force of the Convention for the acceding State. Thus, upon depositing its instrument of accession, Syria informed the United Nations Secretary-General, as depositary of the treaty, that it would comply with the provisions of the Convention and observe them faithfully and sincerely, applying the Convention provisionally pending its entry into force for Syria.³¹

However, the Convention does not contain any provisional application clause, and it was already in force for all of the other Contracting Parties. Syria's unilateral declaration served as the basis for the Executive Council of the Organization for the

²⁶ Yearbook of the International Law Commission, 1959, vol. I, 487th meeting, para. 37, in Gómez-Robledo, 2013, p. 7.

²⁷ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction *United Nations, Treaty Series, vol. 2056, No. 35597*.

²⁸ Convention on Cluster Munitions (Dublin, 30 May 2008). *United Nations, Treaty Series, vol. 2688, No. 47713*.

²⁹ A/CN.4/675, paras. 66-68.

³⁰ See 'Syria's Accession to the Chemical Weapons Convention Enters into Force' at: <http://www.opcw.org/news/article/syrias-accession-to-the-chemical-weapons-convention-enters-into-force/>.

³¹ See C.N.592.2013.TREATIES-XXVI.3, 14 September 2013.

Prohibition of Chemical Weapons (OPCW) to decide *ipso facto* to implement a plan for Syria's chemical disarmament, arguing that provisional application of the Convention gives immediate effect to its provisions with respect to Syria.³² In order to make sure that no State Party could object to this decision, the Secretary-General, as depositary of the Convention, circulated the declaration by Syria and, in the absence of any comments, it was understood that the States Parties agreed with it. This example shows that in face of a pressing need and provided that the States concerned agree with it, even a unilateral declaration can give rise to provisional application of a treaty.

3. Regarding precaution, we have identified cases where States resort to provisional application when they reach agreements of a very strong political character and seek to build the necessary confidence in order to prevent States from changing their position during the ratification process.³³ Some examples could be the 1990 Protocol on the Provisional Application of Certain Provisions of the Treaty on Conventional Armed Forces in Europe,³⁴ the 1992 Treaty on Open Skies,³⁵ or the 1993 Treaty between the United States of America and the Russian Federation on measures aimed at further reductions and limitations of offensive strategic armament,³⁶ as well as bilateral agreements such as the Maritime Boundary Agreement between the United States of America and the Republic of Cuba,³⁷ which has an interim enforcement agreement that has been renewed several times. Political reasons, such as the political difficulty of submitting to the competent legislative body the treaty for approval, can also explain provisional application of a treaty.

Another example is provided by the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT). As you know, this treaty has not entered into force because its Article XIV

³² Marie G. Jacobsson, 'Syria and the Issue of Chemical Weapons' in Jonas Ebbesson et al. (eds.), *International Law and Changing Perceptions of Security* (Leiden: Brill Nijhoff, 2014) pp. 137-141 in Gómez-Robledo, 2015, p. 24.

³³ Heike Krieger, 'Article 25', in Oliver Dörr and Kirsten Schmalenbach (eds.), *Vienna Convention on the Law of Treaties: A Commentary* (Heidelberg and New York: Springer, 2012), p. 409.

³⁴ "Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, adopted at Vienna on May 31, 1996", United States Senate Treaty Document No. 105-5, 7 April 1997 in Gómez-Robledo, 2014, p. 7

³⁵ Treaty on Open Skies, Organization for Security and Cooperation in Europe (1992), United Kingdom Treaty Series (2002), vol. 27.

³⁶ Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, with Protocol, 8 April 2010, TIAS 11-205; International Telecommunication Convention (United Nations, Treaty Series, vol. 1531, No. 26559).

³⁷ Agreement between the United States of America and Cuba Extending the Provisional Application of the Maritime Boundary Agreement of December 16, 1977, TIAS 12-208.1.

requires the ratification of all the States included in its Annex 2.³⁸ The problem lies in the fact that Annex 2 includes specific States that maintain a nuclear program which is considered incompatible with the obligations of the Treaty and, therefore, its ratification seems unlikely.

However, provisional application decided in a quite indirect way has made it possible to establish the Monitoring System provided for in the Convention that has implemented verification measures,³⁹ thus allowing for the implementation of its core provisions.

4. Finally, as for the transition to imminent entry into force, one could think of Article 7 of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982,⁴⁰ which refers to the concept of “the Area”, regulating not only the exploitation and use of resources found within the Area, but also the establishment of the International Seabed Authority and its operational framework. Nevertheless, in the early 1990s, the United Nations General Assembly acknowledged that “political and economic changes, particularly the increasing use of market economy principles, had made it necessary to reevaluate some aspects of the regime of the Area and its resources”. For this reason, and in order to facilitate the widest possible participation of States in UNCLOS on the eve of its imminent entry into force,⁴¹ which happened in November 1994, the United Nations General Assembly adopted in July 1994 the Agreement relating to the implementation of Part XI of UNCLOS, facilitating greater participation by States in UNCLOS. But, precisely to generate confidence about the fact that the Agreement relating to Part XI of UNCLOS would have immediate effects once UNCLOS entered into force, the provisional application of the Agreement was expressly provided for.⁴²

Conclusion

To conclude, I would like to mention that the research has shown that there is more practice on provisional application than it first appeared and both States and international organizations frequently resort to this mechanism.

³⁸ General Assembly resolution 50/245.

³⁹ CTBT/MSS/RES/1 Protocol to the Comprehensive Nuclear-Test-Ban Treaty, Part I, para. 4.

⁴⁰ United Nations, Treaty Series, vol. 1836, No. 31364.

⁴¹ *Ibid.*, vol. 1833, No. 31363.

⁴² Heike Krieger, ‘Article 25’, in Oliver Dörr and Kirsten Schmalenbach (eds.), *Vienna Convention on the Law of Treaties: A Commentary* (Heidelberg and New York: Springer, 2012), p. 410.

The intention of the Commission is not to encourage its use, neither to discourage it. That will directly depend on the will of the concerned States or international organizations the treaty and on the limitations they may find in their internal law or in the rules of the organization.

The objective is rather to provide users with a better understanding of the way in which provisional application of treaties operates in practice, and to clarify its scope and legal effect in order to give legal certainty to parties applying provisionally a treaty or a part of a treaty. This is why the Special Rapporteur preferred from the very beginning that the outcome of the project be in the form of a Guide to orient States and international organizations to solutions in conformity with the law of treaties and other rules of international law.

Annex 1.

A/CN.4/L.910 Texts and titles of the draft guidelines adopted by the Drafting Committee on first reading Guide to Provisional Application of Treaties

Draft guideline 1

Scope

The present draft guidelines concern the provisional application of treaties.

Draft guideline 2

Purpose

The purpose of the present draft guidelines is to provide guidance regarding the law and practice on the provisional application of treaties, on the basis of article 25 of the Vienna Convention on the Law of Treaties and other rules of international law.

Draft guideline 3

General rule

A treaty or a part of a treaty may be provisionally applied, pending its entry into force between the States or international organizations concerned, if the treaty itself so provides, or if in some other manner it has been so agreed.

Draft guideline 4

Form of agreement

In addition to the case where the treaty so provides, the provisional application of a treaty or a part of a treaty may be agreed through:

- (a) A separate treaty; or
- (b) Any other means or arrangements, including a resolution adopted by an international organization or at an intergovernmental conference, or a declaration by a State or an international organization that is accepted by the other States or international organizations concerned.

Draft guideline 5 [6]

Commencement of provisional application

The provisional application of a treaty or a part of a treaty, pending its entry into force between the States or international organizations concerned, takes effect on such date, and in accordance with such conditions and procedures, as the treaty provides or as are otherwise agreed.

Draft guideline 6 [7]

Legal effect of provisional application

The provisional application of a treaty or a part of a treaty produces a legally binding obligation to apply the treaty or a part thereof as if the treaty were in force between the States or international organizations concerned, unless the treaty provides otherwise or it is otherwise agreed.

Draft guideline 7 [5 bis]

Reservations

1. In accordance with the relevant rules of the Vienna Convention on the Law of Treaties, applied *mutatis mutandis*, a State may, when agreeing to the provisional application of a treaty or a part of a treaty, formulate a reservation purporting to exclude or modify the legal effect produced by the provisional application of certain provisions of that treaty.
2. In accordance with the relevant rules of international law, an international organization may, when agreeing to the provisional application of a treaty or a part of a treaty, formulate a reservation purporting to exclude or modify the legal effect produced by the provisional application of certain provisions of that treaty.

Draft guideline 8

Responsibility for breach

The breach of an obligation arising under a treaty or a part of a treaty that is provisionally applied entails international responsibility in accordance with the applicable rules of international law.

Draft guideline 9

Termination and suspension of provisional application

1. The provisional application of a treaty or a part of a treaty terminates with the entry into force of that treaty in the relations between the States or international organizations concerned.
2. Unless the treaty otherwise provides or it is otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State or international organization is terminated if that State or international organization notifies the other States or international organizations between which the treaty or a part of a treaty is being applied provisionally of its intention not to become a party to the treaty.
3. The present draft guideline is without prejudice to the application, *mutatis mutandis*, of relevant rules set forth in Part V, Section 3, of the Vienna Convention on the Law of Treaties or other relevant rules of international law concerning termination and suspension.

Draft guideline 10

Internal law of States and rules of international organizations, and the observance of provisionally applied treaties

1. A State that has agreed to the provisional application of a treaty or a part of a treaty may not invoke the provisions of its internal law as justification for its failure to perform an obligation arising under such provisional application.
2. An international organization that has agreed to the provisional application of a treaty or a part of a treaty may not invoke the rules of the organization as justification for its failure to perform an obligation arising under such provisional application.

Draft guideline 11

Provisions of internal law of States and rules of international organizations regarding competence to agree on the provisional application of treaties

1. A State may not invoke the fact that its consent to the provisional application of a treaty or a part of a treaty has been expressed in violation of a provision of its internal law regarding competence to agree to the provisional application of treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance.
2. An international organization may not invoke the fact that its consent to the provisional application of a treaty or a part of a treaty has been expressed in violation of the rules of the organization regarding competence to agree to the provisional application of treaties as invalidating its consent unless that violation was manifest and concerned a rule of fundamental importance.

Draft guideline 12

Agreement to provisional application with limitations deriving from internal law of States and rules of international organizations

The present draft guidelines are without prejudice to the right of a State or an international organization to agree in the treaty itself or otherwise to the provisional application of the treaty or a part of the treaty with limitations deriving from the internal law of the State or from the rules of the organization.

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United Nations, Treaty Series, vol. 1833, No. 31363

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United Nations, Treaty Series, vol. 2688, No. 47713