

The Vienna Conventions on the Law of Treaties

A Commentary

VOLUME I

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Article 22

Withdrawal of reservations and of objections to reservations

1. Unless the treaty otherwise provides, a reservation may be withdrawn at any time and the consent of a State or of an international organization which has accepted the reservation is not required for its withdrawal.
2. Unless the treaty otherwise provides, an objection to a reservation may be withdrawn at any time.
3. Unless the treaty otherwise provides, or it is otherwise agreed:
 - (a) the withdrawal of a reservation becomes operative in relation to a contracting State or a contracting organization only when notice of it has been received by that State or that organization;
 - (b) the withdrawal of an objection to a reservation becomes operative only when notice of it has been received by the State or international organization which formulated the reservation.

Bibliography

See the general bibliography on reservations of Article 19 and the bibliography of Article 22 of the Vienna Convention 1969

1. While the ILC was working on the draft on treaties concluded between States and international organizations, Article 22 barely gave rise to discussion at the Commission.

2. The only modifications made by Paul Reuter, Special Rapporteur of the ILC, with regard to the corresponding provisions of the Vienna Convention 1969 are of a purely editorial nature and thus minor. They simply extend Article 22 of the Vienna Convention 1969 to agreements concluded between States and international organizations or between international organizations.¹ Any discussion or far-reaching change would moreover turn out to be illusive because of the near inexistence of practice on the subject. Reuter rightly stated that 'the object of the present draft articles...are only of limited immediate practical interest'.²

3. This is no doubt the reason why the Commission did not really discuss the text of Article 22 that was proposed by its Special Rapporteur,³ which it adopted without

¹ *YILC*, 1975, vol. II, pp 37 and 38; see also the presentation of the draft by the Special Rapporteur at the 1434th meeting, 6 June 1977, *YILC*, 1977, vol. I, p 100.

² *YILC*, 1975, vol. II, p 36.

³ See *YILC*, 1977, vol. I, 1434th meeting, 6 June 1977, pp 100 ff, paras 30-5, and 1435th meeting, 7 June 1977, p 104, paras 1 and 2; also 1451st meeting, 1 July 1977, pp 194-5, paras 12-16 and the report of the Commission of the same year, *ibid*, vol. II, Part Two, pp 114-15; and for the second reading see the 10th report by P. Reuter, *YILC*, 1981, vol. II, Part One, p 63, para. 84; the (non-)discussion at the 1652nd meeting, 15 May 1981, and 1692nd meeting, 16 July 1981, *YILC*, 1981, vol. I, p 54, paras 27 and 28 and p 264, para. 38, and the final text, *ibid*, vol. II, Part Two, p 140 and *YILC*, 1982, vol. II, Part Two, p 37.

changes,⁴ and which was maintained at second reading.⁵ The Conference of Vienna 1986 did not add any fundamental changes.⁶

4. One can, however, say that the simple formal adaptation of the corresponding provision of the 1969 Convention of Vienna reflects the conviction of the members of the Commission and later that of the representatives of States at the Conference of Vienna that Article 22 would henceforth be part of international custom.⁷

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⁴ See the report of the Commission, *YILC*, 1977, vol. II, Part Two, pp 114–15.

⁵ See the final report of the Commission of 1982, *YILC*, 1982, vol. II, Part Two, p 37.

⁶ See Official Records of the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations, Vienna, 18 February–21 March 1986, Summary Records of the Committee of the Whole, vol. I, 5th meeting (18 March 1986), p 14, paras 62–3.

⁷ See the commentary on Art. 22 of the 1969 Convention, paras 21–4.

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