



# BELARUS

## **United Nations General Assembly Sixty-fourth Session**

Sixth Committee

Agenda item 81

'Report of the International Law Commission  
on the work of its sixty-first session'

(Reservations to Treaties)

28 October 2009

### **Key points of the statement by Andrei Popkov**

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of Legal Affairs and Treaties, Head of Department of Treaties,  
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- The Republic of Belarus welcomes the steps aimed at ensuring of maximum clarity and ambiguity of the draft guidelines on reservations to treaties.
- The Delegation of Belarus believes that the memorandum on reservations to treaties in the context of succession of States, prepared by the UN Secretariat (A/CN.4/616), as well as the study of the topic "International Treaties over Time", in particular such its aspect as subsequent agreements and practice would facilitate the expansion of the scope of the guidelines on reservations.
- The written form of interpretative declarations can only adequately meets the interests of both States formulating interpretative declarations and States taking into the account such declarations. The draft provisions of the Guide could be balanced through the introduction of the condition about the validity of reservations after the written confirmation (preliminary oral formulation is possible).
- Taking into account that conditional interpretative declarations by their legal consequences and effect are close to reservations, the Delegation of Belarus proposes to expend the legal regime of reservations upon conditional interpretive declarations. The notion of conditional interpretive declarations could be excluded out of the draft guidelines.
- The Republic of Belarus considers States and international organizations as the true key actors of the dialogue on reservations and interpretative declarations. Depositaries, monitoring and judiciary bodies play an important but supplementary role in this regard. Depositaries should perform their functions in the context of Article 77 of the Vienna Convention on the Law of Treaties. The assessment of admissibility of the expression of reservations to the treaty should not delay the process of notification of Sates concerned in accordance with paragraph 5 of Article 20 of the Vienna Convention.
- The participation of the treaty-monitoring and dispute-settlement bodies in the assessment of the compatibility of reservation with the object and purpose of the treaty should be carried out without prejudice to the sovereign rights of the States that have the final "say" on this matter. The appropriate competence may be granted to depositary, treaty-monitoring and dispute-settlement bodies exclusively either by the treaty itself or by the special agreement between contracting parties.