

Article 25 (continued)

Article 25 was approved.

Article 26 (continued)

Mr. MANTILLA-MOLINA (Mexico) said that he was not completely satisfied with paragraph 2 since the real issue was not the calendar but rather the date.

Article 26 was approved.

Article 27 (continued)

Article 27 was approved.

Article 28 (continued)

Mr. GUEST (United Kingdom), speaking on behalf of the Working Group, noted that article 28 was a new provision which the Working Group believed would solve the problem raised by the former article 35. That problem was twofold. First, should the institution of legal proceedings in a non-Contracting State have international effect?

Secondly, what would happen if a debtor had not been informed of the fact that legal proceedings had been taken against him? Article 28 provided an answer to those two questions which the Working Group hoped would be acceptable to the Commission as a whole.

Speaking as the representative of the United Kingdom, he added that his delegation would have preferred to retain the reservation provided for in the former article 35, if only for the sake of settling the matter of proceedings instituted before an incompetent jurisdiction. In a spirit of compromise, however, his delegation had agreed to dispense with that reservation and to accept the provisions, which in its view were insufficient, of the new article 28. However, it insisted that its position on the matter should be mentioned in the commentary on the draft convention and reserved the right to raise the matter again at the time of the diplomatic conference.

Mr. OGUNDERE (Nigeria) said that his delegation, which had been opposed to the reservation provided for in the former article 35, found the solution arrived at in the new article 28 more satisfactory.