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Chair: Mr. Gafoor . . . . . (Singapore)

Contents

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The meeting was called to order at 10.10 a.m.

Agenda item 79: Report of the United Nations Commission on International Trade Law on the work of its fiftieth session (*continued*) (A/C.6/72/L.10 and A/C.6/72/L.11)

Draft resolution A/C.6/72/L.10: Report of the United Nations Commission on International Trade Law on the work of its fiftieth session

1. **Ms. Kalb** (Austria), introducing the draft resolution on behalf of the sponsors, said that Czechia, El Salvador, Mexico and the Republic of Moldova had also become sponsors. The draft resolution stressed the importance of international trade law and recalled the mandate, work and coordinating role of the United Nations Commission on International Trade Law (UNCITRAL). It endorsed the Commission's efforts and initiatives as the core legal body within the United Nations system in the field of international trade law aimed at increasing coordination and cooperation, as well as promoting the rule of law at the national and international levels. It noted the Commission's progress in finalizing the UNCITRAL Model Law on Electronic Transferable Records and the Guide to Enactment of the UNCITRAL Model Law on Secured Transactions. It also noted with satisfaction that a congress on the theme "Modernizing International Trade Law to Support Innovation and Sustainable Development" had been held in Vienna in July 2017 to commemorate the Commission's fiftieth anniversary. The draft resolution further took note of the decision by the Commission to entrust Working Group III with a broad mandate to work on the possible reform of investor-State dispute settlement. It welcomed the activities of the UNCITRAL Regional Centre for Asia and the Pacific and welcomed the offers from the Governments of Bahrain and Cameroon to establish similar centres. It also reaffirmed the importance, in particular for developing countries, of the work of the Commission concerned with technical cooperation and assistance in the field of international trade law reform and development and highlighted the importance of the Trust Fund established to provide travel assistance to developing countries.

Draft resolution A/C.6/72/L.11: Model Law on Electronic Transferable Records of the United Nations Commission on International Trade Law

2. **Ms. Kalb** (Austria) said that the draft resolution recognized that legal certainty and commercial predictability in electronic commerce would be enhanced by the harmonization of certain rules on the legal recognition of electronic transferable records. It also expressed appreciation to UNCITRAL for completing the work and recommended that all States give favourable consideration to the Model Law when revising or adopting legislation relevant to electronic commerce.

Agenda item 86: Effects of armed conflicts on treaties (A/72/96)

3. **Mr. Boukadoum** (Algeria), speaking on behalf of the African Group, commended the International Law Commission for its work in clarifying and developing the law pertaining to the effects of armed conflicts on treaties. That said, the African Group was of the view that the Vienna Convention on the Law of Treaties remained the primary instrument for the interpretation of treaties. In determining the effects of armed conflicts on treaties, regard should also be had to the rules of international humanitarian law, which had been developed over a long period of time. Care should be taken to ensure that the articles on the effects of armed conflicts on treaties adopted by the Commission were compatible with established rules and principles of international law, bearing in mind that the definition of "armed conflict" in the articles differed from the definition of the same concept in international humanitarian law, which had been adopted and applied in case law.

4. While the articles contributed considerably to the development of international law, the African Group did not support their elaboration in the form of a binding legal instrument. The articles sought to clarify an area of law in which there were not many rules, but they might also lead to a fragmentation of international law in that they touched on both treaty law and international humanitarian law without drawing on key concepts in those areas. Instead of including an indicative list of types of treaties that should be presumed not to be susceptible to termination or suspension in the event of an armed conflict, for example, the articles should establish a criterion for determining what types of agreements were involved, in order to avoid a situation in which the list changed over time and needed to be amended in the final document. Suffice to say that normally a treaty would expressly state when it could be suspended or terminated.

5. The articles should take the form of a set of principles or guidelines that States could refer to should the need arise, rather than a binding convention. The basic principle that armed conflict did not lead to the termination or suspension of treaties was already supported by customary international law, and as such would be binding on States regardless of the status of the articles.

6. **Ms. Nyrhinen** (Finland) speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that those delegations wished to recall the note by the Special Rapporteur concerning the recommendation to be made to the General Assembly about the draft articles on the effects of armed conflicts on treaties (A/CN.4/644). In that document, the Special Rapporteur had stated that while many of the provisions in the articles found their origin or justification in rules belonging to related fields of international law and thus should be non-controversial, that was not the case for articles 1 to 7 and the annex, which contained the indicative list of treaties that continued in operation, in whole or in part, during armed conflict. Those provisions extended to treaty relations in the context of internal conflict, which was a largely untouched domain calling for the progressive development of the law rather than its codification.

7. The Special Rapporteur had also noted that while article 23 of the statute of the International Law Commission set out a number of types of recommendations that the Commission could make to the General Assembly, intermediary types of recommendations had also emerged in practice; he had suggested, therefore, that the Commission should make an intermediary recommendation to the effect that a conference to elaborate a convention on the basis of the articles should be convoked at a later stage. The Nordic countries agreed that an attempt to elaborate a convention at the present time would be premature. Nevertheless, the articles provided valuable guidance that could be applied by relevant actors even in the absence of a legally binding instrument.

8. **Ms. McDougall** (Australia) said that her delegation would support further work on the topic of the effects of armed conflicts on treaties. It was unlikely that the level of consensus required to conclude a binding instrument based on the articles would be achieved at the current time. Further consideration should be given to the impact that the principles enshrined in the articles would have on the law of armed conflict and on the relationship between the law of armed conflict and other areas of international law, including human rights law. In a non-binding form, the articles would continue to be a useful source of guidance as a complement to the Vienna Convention on the Law of Treaties, which should continue to be the primary source of law on that topic.

9. **Mr.** Elsadig Ali Sayed **Ahmed** (Sudan) said that it would be inappropriate for the scope of the articles to include non-international conflicts, as such conflicts did not necessarily affect the treaties concluded between sovereign States. The putative effects of internal conflict would in any event fall under the circumstances precluding wrongfulness that were set out in the articles on the responsibility of States for internationally wrongful acts. Moreover, article 73 of the Vienna Convention on the Law of Treaties referred only to the effects that might arise in regard to a treaty from the outbreak of hostilities between States. The Special Rapporteur on the topic had also felt it necessary to reformulate the definition of armed conflict that had been adopted on first reading.

10. Regrettably, the International Law Commission had not used the definition set forth in joint article 2 of the 1949 Geneva Conventions and enshrined in treaty law and international humanitarian law. Instead, it had used the definition adopted by the International Tribunal for the Former Yugoslavia in the Tadić case (“a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State”). The term “protracted” had thus become the sticking point when determining whether an armed conflict would interrupt treaty relations. For the purposes of the articles, any or all use of armed force could be considered armed conflict of one or another category, irrespective of whether it had any actual effect on the application of treaties. Article 2 could therefore be improved by using the definition enshrined in the Geneva Conventions, which was more accurate and clear-cut, and more likely to garner broad international support.

11. As they stood, the articles covered the effect of armed conflicts on treaties when one State party was involved in the conflict. The application of the articles to non-international conflicts raised clear difficulties. Moreover, the supervening impossibility of performance of a treaty had already been addressed by article 61 of the Vienna Convention on the Law of Treaties. His delegation therefore did not believe that non-international conflict should be included in the scope of the articles. It was essential to examine the various types of treaties and parties covered by the articles in accordance with the Special Rapporteur’s recommendations. There was broad consensus regarding the content of article 3 (“General principle”). The title, however, was misleading: the article did not in fact establish an assumption or general principle.

12. The outbreak of conflict should not be grounds for the termination of a treaty, except if the treaty pertained to the very cause of the conflict. The effects of the conflict should be the sole grounds for the continuation or otherwise of the treaty. His delegation did not support the inclusion of an indicative list of treaties, which would create complications by establishing different

principles for different categories of treaty. It would be preferable to set out broad standards for the identification of treaties that fell under the relevant category. If a majority did support including the list, the latter should not be considered final or comprehensive.

13. The provisions regarding the notification of intention to terminate or withdraw from a treaty or to suspend its operation were inconsistent with article 65, paragraph 2, of the Vienna Convention on the Law of Treaties, and did not include a time frame for raising objections. The article would thus impede any solution that might be reached through peaceful means between the States involved in the armed conflict, especially in respect of third parties that were not involved in the conflict.

14. The article on the effect of the exercise of the right to individual or collective self-defence on a treaty should be kept in the form adopted on first reading, as it was difficult to define which party had acted legitimately in self-defence. Alternatively, the article could be replaced with a condition that the State in question should be non-aligned, or with a broader term such as that used in the articles on the responsibility of States for internationally wrongful acts. Article 51 of the Charter of the United Nations also did not specify all of the conditions for the exercise of self-defence, such as proportionality and necessity. The purpose of the provisions on self-defence was not to authorize States to defend themselves, but rather to preserve treaty relations during armed conflict.

15. With regard to article 15 (“Prohibition of benefit to an aggressor State”), his delegation believed that the Charter of the United Nations and General Assembly resolution 3314 (XXIX) provided an irreplaceable legal basis for defining an act of aggression.

16. It would be premature to discuss the final form of the articles; for the time being, they should remain in their current form, although they needed to be spelled out in greater detail. His delegation did not support the proposal that the articles could ultimately be enshrined in a convention, but could agree to their taking the form of guiding principles for States.

17. **Ms. Fong** (Singapore) said that the articles were a valuable resource in their current form but should not be endorsed by the Committee or transformed into a convention, as articles 2, 5, 6 and 7 and the annex tended more towards progressive development than codification. Her delegation’s position on the articles was set out in greater detail in the summary record of the 18th meeting of the Committee held during the sixty-ninth session of the General Assembly (A/C.6/69/SR.18).

18. **Ms. Melikbekyan** (Russian Federation) said that the articles on the effects of armed conflicts on treaties must clearly reflect the presumption, as a basis for the stability and predictability of treaty relations, that an armed conflict did not automatically entail the termination or suspension of a treaty. She reiterated her delegation’s position that non-international armed conflicts should remain outside the scope of the topic. Doubts also remained about the definition of “armed conflict” used in the text and about the indicative list of treaties annexed to the articles. All in all, the articles could not be regarded as reproducing norms of customary international law on the effects of armed conflicts on treaties. Although they could serve as a guide for States in improving their national law and practice in that area, it would be premature to use them as the basis for a legally binding document.

19. **Mr. Celarie Landaverde** (El Salvador) said that the articles would help to fill certain legal gaps concerning hostilities between States. The codification in article 3 of the general principle that the existence of an armed conflict did not ipso facto terminate or suspend the operation of treaties promoted stable treaty relations between the States parties to a conflict and between those States and third States that were not parties to the conflict. While the principle of stability did not rule out the termination or suspension of certain treaty relations as the result of an internal or international armed conflict, the inclusion of an indicative list of treaties that should continue in operation during armed conflict gave the articles as a whole an appropriate balance.

20. It was important to note that the State obligations that should continue to be applicable during conflict concerned not only international humanitarian law but also the environment, trade and the peaceful settlement of disputes, which were essential for the functioning of States and the protection of all persons under their jurisdiction. It was therefore essential to interpret the content of article 7 in conjunction with the indicative list of treaties to be found in the annex, as only their joint implementation would be able to provide clear rules regarding the continuity of treaties. Before determining whether it would be possible to elaborate a binding international instrument based on the articles, it would be useful to establish a mechanism to address the outstanding or controversial issues.

21. **Mr. Simonoff** (United States of America) said that the articles reflected the continuity of treaty obligations during armed conflict, when reasonable; they took into account particular military necessities and provided practical guidance to States by identifying factors relevant to determining whether a treaty should remain in effect in the event of armed conflict.

22. His delegation continued to have concerns about the definition of "armed conflict" in article 2 (b). Rather than defining the term, a better approach would have been to make clear that armed conflict referred to the set of conflicts covered by common articles 2 and 3 of the Geneva Conventions (i.e., international and non-international armed conflicts), which enjoyed virtually universal acceptance among States. Furthermore, his delegation did not believe that article 15 (Prohibition of benefit to an aggressor State) should be interpreted to suggest that illegal uses of force that fell short of aggression would necessarily be exempt from the provisions of the article. In the light of those concerns, his delegation continued to believe that the articles were best used as a resource to which States might refer when determining the effect of particular armed conflicts on particular treaties. The United States did not did not support the elaboration of a convention on the topic.

23. **Mr. Kabir** (Bangladesh) said that the Vienna Convention on the Law of Treaties was the primary instrument for the interpretation of treaties. With regard to the draft articles adopted by the Commission, the general principle contained in article 3, that the existence of an armed conflict did not ipso facto terminate or suspend the operation of a treaty, was important for legal stability and continuity, while articles 4, 6, 7, 8 and 15 made an important contribution to the progressive development of international law. Given the divergent views on the scope of the articles, in particular with regard to non-international conflicts, it would be useful for delegations to engage in further discussions under the purview of the Committee to clarify the scope of the articles as established in article 2, taking into account international humanitarian law. It should be noted that references to non-international armed conflict in the commentaries to the articles were not consistent.

24. It should be borne in mind that the indicative list of treaties in the annex to the draft articles should not be considered definitive or exhaustive. It might be useful to make the list more specific. In the light of the continuing divergence of views, the articles should be treated as important guidelines for State practice, but the elaboration of an international legally binding instrument based on the articles should not be pursued at the present time.

25. **Mr. Joyini** (South Africa) said that the increasing number of armed conflicts in the world and, in particular, the consistently high levels of non-international armed conflicts made the topic of their effects on treaties more relevant than ever. It was, however, an area of law that remained underdeveloped and vague, and the International Law Commission was to be commended for clarifying and developing it. The law of treaties, for the interpretation of which the Vienna Convention on the Law of Treaties was the benchmark, was a body of public international law distinct from that of international humanitarian law. In attempting to address issues that were closely connected to international humanitarian law through the law of treaties, certain conflicts arose that might make agreement on the applicable law impossible, as reflected, for example, in the differing definitions of "armed conflict" in the articles under consideration and in international humanitarian law.

26. Since the articles sought to adjudicate questions arising in respect of a treaty from the outbreak of hostilities, the scope of those articles must be clear and must refer to the stipulation in article 73 of the Vienna Convention that the provisions of that Convention did not prejudge any question that might arise in regard to a treaty from the outbreak of hostilities between States. The articles could potentially contribute much to the development of international law. Since, however, they touched upon both treaty law and international humanitarian law, they carried a risk of a fragmentation of international law if transformed into a treaty, and they could influence definitions of aspects in international humanitarian law that were not initially intended to be developed. His delegation did not therefore support their elaboration into a binding legal instrument.

27. Furthermore, while the non-exhaustive criteria set out in article 6 for determining whether a treaty was susceptible to termination, withdrawal or suspension were helpful, a more explicit distinction needed to be made between situations where a State in an armed conflict intended to terminate treaties with other belligerent States, as opposed to such situations in respect of third States not involved in the armed conflict. It was not clear whether the same rules should apply in both cases. The articles should take the form of a set of principles or guidelines that States could refer to, should the need arise, rather than a binding convention. The basic principle that armed conflict did not lead to the termination or suspension of treaties was already supported by customary international law, and as such would be binding on States regardless of the status of the articles.

28. **Mr. Goldfarb** (Israel) said that the question of the form to be taken by the articles was still premature, since they raised major concerns and fundamental difficulties regarding key issues. His delegation maintained the view that, rather than including an indicative list of treaties, as provided for in article 7, it would be more appropriate to compile a list of general criteria needing to be met by a treaty for it to continue

to apply in the event of an armed conflict. There also remained practical difficulties arising from article 15, on the prohibition of benefit to an aggressor State. In situations of extended conflict, the identification of an aggressor was complex; moreover, the very definition of "aggression" was subject to debate. Identification of a State as an aggressor should therefore not be the sole factor to be taken into account in determining whether or not a State could withdraw from a treaty. Further deliberation was required on the articles; only after the substantive hurdles had been overcome should the important question of their form be addressed.

29. **Mr. Bagherpour Ardekani** (Islamic Republic of Iran) said that any attempt to define "armed conflict" would go beyond the main purpose of the articles, which was not to determine the nature of armed conflict as such, but rather to examine their legal effects on treaties. Moreover, the definition appearing in article 2 (b) was largely based on that used by the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia in the Tadić decision, which definition had not crystallized into law. It was too broad and risked becoming mired in legal controversy. It was therefore advisable not to include any such definition in the articles or to include only the universally accepted definition contained in common article 2 of the 1949 Geneva Conventions.

30. Article 6 (b) contained the term "non-international armed conflict", even though, for reasons explained in the commentary, the definition in article 2 included no explicit reference to the international or non-international character of any such conflict. There should be no such reference, since the differences between conflicts among States and non-international conflicts, and the different resulting obligations, called for two separate classifications. Moreover, article 73 of the Vienna Convention on the Law of Treaties, which formed the basis of the International Law Commission's work, clearly and exclusively referred to the "outbreak of hostilities between States". Then again, the possible effects of non-international conflicts on treaties were covered by chapter V of the articles on the responsibility of States for internationally wrongful acts.

31. His delegation welcomed the inclusion in the indicative list of treaties continuing to be in operation during armed conflict those establishing or modifying land and maritime boundaries, which it also understood to include treaties establishing river boundaries. A treaty establishing an objective situation, such as a boundary, belonged indeed, by its nature, to the category of treaties creating a permanent regime, which should therefore not be affected by armed conflict. Nevertheless, article 9 was so worded that it appeared to apply to all treaties and could thus offer a loophole to a State wishing to terminate or withdraw from a treaty or to suspend its operation. It would therefore be appropriate to restrict the scope of that provision. Furthermore, the criterion of an armed conflict's characteristics, introduced in article 6 (b) to determine a treaty's status, was unsatisfactory as it could negate the effect of the intention of the parties and undermine the principle of stable treaty relations.

32. Article 14 was another welcome inclusion, as was article 15, which rightly referred to the crime of aggression as within the meaning of the Charter and General Assembly resolution 3314 (XXIX) and might be further supplemented by a reference to the provision against the use of force in Article 2, paragraph 4, of the Charter. Indeed, a clear distinction should be made, in accordance with the Charter, between the unlawful use of force by a State and self-defence. A State must not be allowed to benefit from such an unlawful act; that was also a general principle of international law.

33. In article 16, not only was the "without prejudice" clause superfluous, in view of Article 25 of the Charter, but also it related to subject matter outside the Commission's mandate; it should therefore be deleted. Moreover, his delegation questioned the interpretation given of Article 103 of the Charter in the commentary to article 16 as applying not only to rights and obligations under the Charter itself, but also to obligations under binding decisions taken by United Nations bodies. Legally speaking, Article 103 was designed to resolve conflicts between provisions of the Charter and obligations arising from other international treaties. He reiterated the position of his Government that the mandate of the International Law Commission concerning the effects of armed conflicts on treaties was to supplement and not change the existing framework of the international law of treaties and that the articles on the topic should therefore be used as a source of practical guidance to States; in their current form, there was no need to transform them into a convention.

34. **Ms. Sande** (Uruguay) said that international treaties between parties to a conflict should remain in operation, in accordance with international law, as a matter of inter-State responsibility and cooperation; their suspension or termination, and even less non-compliance with them, did not necessarily follow from the existence of an armed conflict but must take into account their subject matter and the real need for their suspension or termination. International commitments must be fully met unless that proved impossible, either because the obligation imposed by the treaty could not be discharged during an armed conflict or because, as in the case of a prior peace agreement

between parties to a conflict, the treaty was naturally terminated by the fact of their being in conflict.

35. Nor could States disregard the rules and principles of international law or of customary law on the grounds that it was impossible to comply with them during an armed conflict. It was clear from the Vienna Convention on the Law of Treaties that a treaty could not be suspended or terminated except by agreement between the parties thereto, in cases where the reason or purpose of the treaty no longer existed or there had been a change in the circumstances under which the treaty had been concluded. Such suspension or termination was the exception and not the rule.

36. Furthermore, some treaties, such as those relating to human rights or international humanitarian law, by their very nature or by virtue of the legal property being protected, could not be suspended or terminated. Indeed, the specific purpose of such treaties was that they should be applied in possible cases of conflict between the parties. The concept of obligation of compliance and the principle of good faith set out in the Vienna Convention were duly reflected in the articles. Parties to a conflict could mutually agree to suspend or terminate a treaty only if that decision did not affect third States and was in compliance with their good faith obligations and the principle of *pacta sunt servanda*. There were treaties, such as those establishing boundaries, in addition to those listed by the Commission, including those appearing on the list of such treaties annexed to the articles, that could not be suspended or terminated; however, that list was not exhaustive.

37. In any case, compliance with such international obligations, respect for the principles of international law and the principles enshrined in the Charter, as well as observance *jus ad bellum* and *jus in bello*, were concerns that must continue to be developed. While supporting the articles, her delegation therefore considered that the topic merited further study.

38. **Ms. Piiskop** (Estonia) said that the International Law Commission's work not only provided a basis for theoretical legal discussion but also addressed questions of practical relevance to all continents, including Europe. Few treaties contained specific provisions on their operation in times of war, despite the persistence of armed conflicts, so that any guidance on norms to be followed in such cases was useful, not only to the States parties to a conflict but also to the treaty partners.

39. Her delegation welcomed the inclusion of national and non-international armed conflicts within the scope of the articles, since both had an effect on treaties. She cited the example of the European Convention on Human Rights and the case law of the European Court of Human Rights, both of which took into account the effects of non-international armed conflicts. Her delegation agreed with the Special Rapporteur that occupation was a form of armed conflict and was therefore understood to be covered by the articles. Estonia attached particular importance to articles 14 and 15, respectively on States' inherent right of individual or collective self-defence and on the prohibition of benefit to an aggressor State. As for the final form of the articles, given that there was little support for the elaboration of a convention based on them, they could best serve as a useful contribution to international legal discourse.

40. **Ms. Ahamad** (Malaysia) said that her delegation shared the view that the articles would be of practical guidance in determining whether a treaty should remain in effect in the event of an armed conflict. While it was premature to consider codifying them into a convention, they could serve as non-binding guidelines. Further discussion was needed on the definition of "armed conflict" in article 2 and on the annexed indicative list of treaties referred to in article 7, which remained unclear, particularly categories (c), multinational law-making treaties, and (e), treaties of friendship, commerce and navigation and agreements concerning private rights. Further study of those two categories was required before they could be included in the annex, while a further review of the articles would provide a better understanding of their context before any discussion could be undertaken on their possible codification into a convention.

41. **Mr. AlJomae** (Saudi Arabia) said that the Vienna Convention on the Law of Treaties remained the fundamental reference when interpreting all international conventions. The topic of the effects of armed conflicts on treaties should not depart from the established rules and principles of international law with regard to armed conflict. The internationally accepted principles of international humanitarian law must not be left out of any discussion of the articles.

42. It would be useful to define the types of agreements that were not assumed to be suspended or terminated during armed conflict. However, the wide range of agreements listed in the annex made it difficult to sort them into a harmonized list, and it was highly unlikely that Member States would be able to agree on which items should be listed. The list could therefore be added to the commentary to article 7 or removed altogether.

43. The principle that armed conflict did not suspend or terminate international treaties was already supported by international norms, and there was therefore no need

for the articles. The latter could, however, become guiding principles for Member States. They should be seen as complementing the rules and principles of international law. There was no need to prepare additional articles, or for the current ones to become international law.

44. **Ms. Stavridi** (Greece) said that her country had consistently supported the principle of the continuity of the operation of treaties during armed conflict, and endorsed the general approach to the articles adopted by the Commission in its recommendations to the General Assembly. The Assembly should consider, at a later stage, the elaboration of a convention, which would constitute a complementary instrument with normative effects equal to those of the Vienna Convention on the Law of Treaties.

45. **Ms. Pucarinho** (Portugal) said that her delegation's approach to the topic of the effects of armed conflicts on treaties closely followed the initial boundaries established by the Commission. The point was to determine the extent to which mutual trust among the parties concerning the fulfilment of treaty obligations could be compromised in the event of an armed conflict. It was therefore important to strike a balance between trust among the parties, as a prerequisite to treaty compliance, and the need for legal certainty.

46. Portugal generally agreed with the articles, while recognizing that inclusion of issues such as internal armed conflicts within the scope of the articles and the position of third States raised issues and concerns. It was true that there were aspects where practice, jurisprudence or doctrine did not offer a clear and single answer. Because of the sensitive nature of those issues, caution was in order, but it was still necessary to go forward. States should therefore be given more time to understand the suitability of all the solutions adopted by the Commission. It would be useful to establish a working group on the topic, to allow delegations to discuss differing perspectives on key substantive issues and then decide on whether to elaborate a convention on the basis of the articles.

The meeting rose at 11.40 a.m.