United Nations Conference on the Representation of States in Their Relations with International Organizations

Vienna, Austria
4 February - 14 March 1975

Document:-
A/CONF.67/C.1/SR.23

23rd meeting of the Committee of the Whole

Extract from Volume I of the *Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

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organizations. In line with that approach, she now expressed the earnest hope that the Committee would adopt the joint amendment she had introduced and permit countries like El Salvador and Guatemala to sent a joint delegation to an organ or to a conference.

61. Mr. EL-ERIAN (Expert Consultant) said that the ILC had discussed very thoroughly the problem involved in the amendment just introduced (A/CONF. 67/C.1/L.75). He himself, as Special Rapporteur, had dealt with the subject in this third report,[2] since certain international organizations admitted the practice of joint delegations representing two or more States. The Commission, however, had decided at its twenty-second session in 1970 to include in its draft articles a provision to the effect that a delegation to an organ or to a conference could represent only one State (article 83 of the provisional draft).[3] When that decision was taken, some members of the Commission had expressed reservations concerning the article and had asked that the Commission should review the matter at the second reading of the draft in the light of the observations which had been received from Governments and organizations.

62. In their written comments, a number of Governments and international organizations had suggested that the article on the principle of single representation should be redrafted so as not to exclude double representation in certain cases or that the article should be deleted altogether. Reference was made, in support of that suggestion, to a number of international conventions and constituent instruments of international organizations where representation of two or more States by a single delegation was envisaged (see A/ CONF.67/4, foot-note 137).

63. In the United Nations family, the tendency appeared to be to discourage the practice in question. For that reason, the ILC, in the final text of article 42, had not included any provision on the subject. As a result, the matter was left to be governed by the internal law of each organization.

64. It would thus be for the organizations concerned to take such decisions or adopt such regulations in the matter as they saw fit. Article 3 (Relationship between the present articles and the relevant rules of international organizations or conferences) of the present draft would apply.

65. He stressed the fact that the ILC had decided not to include in its draft any residual rule on which to fall back should a particular organization not have any specific rule on the subject—a rule which would of course in any case prevail under article 3.

66. Mr. ESSY (Ivory Coast), speaking as a sponsor of the joint amendment, urged the Committee, following the adoption of his oral amendment to article 8, to adopt now the proposal contained in document A/CONF.67/C.1/L.75, which would do for delegations what article 8 had done for permanent missions. If a head of mission could, under article 8, represent more than one State at one or several international organizations, it was quite normal and logical that the same head of mission should, when leading or forming part of that same joint delegation, be allowed to continue to defend the interests of those States at a conference or in an organ of the organization if the States so wished.

67. The adoption of the joint amendment would be of great benefit to small States with limited resources in personnel and money; joint representation would help those States to overcome the difficulties resulting from those deficiencies and thus further the cause of co-operation among them and their participation in the maintenance of peaceful relations in the world community.

68. Mr. MAAS GEESTERANUS (Netherlands) said that his delegation understood the special needs of certain groups of countries in some areas. In practice, it was possible in certain organizations to have one delegation jointly representing two or more States. Some organizations had rules on the subject, while others had not.

69. His delegation would be in a position to support the idea embodied in the proposal (A/CONF.67/C.1/ L.75) provided it was reworded on the following lines: "Where the rules and decisions of the Organization explicitly so permit, two or more States may send the same delegation to an organ or to a conference."

The meeting rose at 5.50 p.m.

[2] See *Yearbook of the International Law Commission, 1968*, vol. II, document A/CN.4/203 and Add.1-5, Special Rapporteur's draft article 48 (Appointment of a joint delegation to two or more organs or conferences) p. 160.

[3] See *Yearbook of the International Law Commission, 1970*, vol. II, document A/8010/Rev.1, article 83, p. 286.

23rd meeting

Friday, 21 February 1975, at 10.50 a.m.

Chairman: Mr. NETTEL (Austria).

Organization of work

1. The CHAIRMAN suggested, in response to a request from the Swiss delegation, that the new article proposed by Switzerland (A/CONF.67/C.1/L.77) should be dealt with after article 50 proposed by the International Law Commission (ILC) (see A/CONF. 67/4), and not the necessarily at the 24th meeting as previously decided, and that consideration of article 42 should be resumed.

It was so decided.

Consideration of the question of the representation of States in their relations with international organizations in accordance with resolutions 2966 (XXVII), 3072 (XXVIII) and 3247 (XXIX) adopted by the General Assembly on 14 December 1972, 30 November 1973 and 29 November 1974 (*continued*)

Article 42 (Sending of delegations) (*concluded*) (A/CONF.67/4, A/CONF.67/C.1/L.75)

2. Mr. RAJU (India) remarked that the amendment in document A/CONF./C.1/L.75 filled a gap in the draft. The provision proposed in that amendment, which was based on article 5 of the Convention on Special Missions,[1] was in keeping with current practice and met the economic concerns of a large number of developing countries, which could not by themselves always finance the sending of delegations to organs and to conferences. The Indian delegation would therefore support the amendment. On the other hand, the Indian delegation could not support the rewording of the amendment proposed orally by the Netherlands delegation at the preceding meeting, since that reworded version was restrictive in character.

3. Mrs. SLÁMOVÁ (Czechoslovakia) supported the amendment in document A/CONF.67/C.1/L.75, because it would allow certain countries to participate in organs and in conferences which they would be unable to attend if there were no possibility of their sending the same delegation. The Czechoslovak delegation also proposed that the words "in confromity with article 80 of this Convention" should be added at the end of what would become paragraph 1 of article 42, should the amendment be adopted. Article 80 stipulated that "In the application of the provisions of the present articles no discrimination shall be made as between States". It would perhaps be objected that article 80 was of a general character and related to the whole of the convention, but on several occasions the Committee had adopted amendments which took up provisions that were contained in other parts of the draft. For that reason, having regard to the considerable importance of article 42, the Czechoslovak delegation hoped that its amendment would be favourably received by the Committee.

4. Mr. HELYES (Hungary) said that the amendment in document A/CONF.67/C.1/L.75 was based on a very widespread practice which should be respected since the number of international meetings would probably go on increasing. The Conference should take account of the advisability of enabling the small countries to participate in those meetings. The Hungarian delegation likewise had no hesitation in supporting the oral amendment by Czechoslovakia; it was entirely appropiate to provide that no discrimination should be made as between States.

5. Mr. AUST (United Kingdom) said that his delegation was somewhat concerned at the implications the adoption of the amendment in document A/CONF.67/C.1/L.75 might have. However, he noted that mention was made therein of the same "delegation" and not of the same "delegate". He accordingly assumed that the intention of the sponsors of the amendnment was that the word "delegation" should have its usual meaning and refer to a delegation with a head and other members, and would therefore not imply that one and the same person could represent two or more States, which would constitute a most undesirable situation.

6. The reason why each State should have its own individual representative was that, theoretically, a representative was supposed to listen to the arguments put forward and then to take a rational decision on the basis of those arguments. A representative of a State should not merely confine himself to voting in accordance with the institutions he had received from the State which had sent him. The United Kingdom delegation accordingly proposed that the following sentence should be added at the end of the amendment in document A/CONF.67/C.1/L.75: "The number of persons appointed to the diplomatic staff of such a joint delegation shall be at least equal to the number of States which send that delegation."

7. Mr. WERSHOF (Canada) said he wondered whether it was advisable to encourage the practice referred to in the amendment in document A/CONF.67/C.1/L.75 and whether any useful purpose would be served by including such a provision in the convention. The Canadian delegation, for its part, did not approve of that practice, and drew attention to the fact that it was only followed in the case of technical and scientific meetings, as was pointed out in foot-note 137 to the International Law Commission's commentary to article 42 (see A/CONF.67/4), and that the question had never arisen at the General Assembly or in any organ of the United Nations. On that subject, he asked the Legal Counsel to explain the practice followed at the United Nations. Moreover, even if the Canadian delegation were to approve of the practice, it could not endorse the idea of its being expressly mentioned in the convention.

8. While understanding the financing of permanent missions to an international organization of universal character could give rise to serious financial problems for some small developing countries, the Canadian delegation did not think that that reason should be invoked in the case of delegations to organs and to conferences. The possible representation of several States by the same delegation would, in fact, lead to confusion, whereas the establishment of a joint mission for several States would not rise to such serious difficulties. It was also necessary to contemplate the case where a delegation would obtain to its own advantage credentials from States which did not intend to participate in a conference, not for financial reasons, but because the conference was not of sufficient interest to them. The Canadian delegation considered such a possibility unacceptable.

9. He reminded the Committee, in addition, that at its previous meeting the Expert Consultant had explained the reasons why the ILC had not been in favour of extending the practice in question and had been even less inclined to include a provision to that effect in the convention. What was more, the ILC, at the initial stage of its work, had even considered prohibiting the practice in question. The Canadian delegation found it

[1] General Assembly resolution 2530 (XXIV), annex.

difficult to understand why some members of the Committee, who were anxious to keep to the International Law Commission's position with regard to other articles, set so little store by that position in the present instance.

10. On the other hand, the Canadian delegation was not opposed to the idea expressed in the subamendment made orally by the Netherlands delegation at the previous meeting, namely that "where the rules and decisions of the Organization explicitly so permit, two or more States may send the same delegation to an organ or to a conference", nevertheless it would abstain in the vote on that subamendment.

11. The Canadian delegation would vote against the amendment in document A/CONF.67/C.1/L.75, because it considered that, by being silent on that particular aspect of representation, the convention could not harm the interests of small States.

12. Mr. SUY (Legal Counsel of the United Nations) said he would like to give some examples of the practice followed in the matter at the United Nations, seeing that the International Law Commission's commentary on article 42 was not complete and that differences of opinion had arisen during the discussions.

13. In 1965, replying to a question from the Resident Representative of the Technical Assistance Board in Addis Ababa who inquired if the same person could represent two or more countries at a United Nations body, the Office of Legal Affairs had stated that it had always held the view that it was improper and undesirable for the same delegate to represent more than one country. Nevertheless, the position was different in the case of technical meetings when the same expert could participate on behalf of several States. In 1957, during an enquiry into dual or multiple representation in United Nations organs, the Office of Legal Affairs had ascertained that at the third session of the United Nations Relief and Rehabilitation Administration Council in August 1945, Haiti had been represented by the United States delegate. However, the Committee on Credentials had pointed out that that form of representation would not give the United States a dual vote. In 1954, the Office of Legal Affairs had advised that there was no objection of Luxembourg being represented by the Belgian Government provided that the representation of Belgium and Luxembourg was exercised by two different individuals. In 1960, the French delegation was advised by the Legal Counsel to avoid a situation in which the French delegate would be appointed to represent Cameroon in addition to France. In 1961, the Executive Secretary of the Economic Commission for Africa in Addis Ababa had been advised by the Office of Legal Affairs that in United Nations practice representation of two or more Governments by a single delegate was not permitted but that there was no objection to a State being represented by a national of another State or by a member of another delegation, provided that he did not simultaneously serve as representative of another State. In 1962, at the United Nations Coffee Conference, one individual had been accredited as a member of three different delegation, Madagascar, United Kingdom-Exporting Territories, and Tanganyika. After having been informed by the Legal Adviser to the Conference that it was contrary to long-standing United Nations practice for one person to serve on more than one delegation to a conference, Madagascar and Tanganyika withdrew their accreditation of the individual concerned. The accreditation of the chief delegate of Guatemala as alternate delegate of Peru to Committee II of the Conference was also withdrawn. At the Olive Oil Conference in 1963, the Office of Legal Affairs had advised against Belgium and Luxembourg being represented by a single person. In 1965, in regard to a meeting of the Economic Commission for Africa, the Legal Counsel had said that the representation of two Governments at a meeting by a single delegate was not considered proper, but that it would be possible for Gabon to be represented by one of the members of the delegation of the Central African Republic.

14. Those examples indicated a consistent policy of advice and practice against permitting dual or multiple representation in United Nations bodies. From the point of view of the United Nations, the best solution would be to preserve that principle unchanged, and exceptions should be based either upon a rule of procedure or upon an express decision of the organ concerned.

15. Mr. PLANA (Philippines) wished to have some explanations concerning the amendment in document A/CONF.67/C.1/L.75. He wondered whether it meant that two or more States could each appoint a representative or representatives who would form one and the same delegation, or that a State should request another State to represent it through the latter's delegation. Perhaps the sponsors of the amendment had both ideas in mind.

16. If it was considerations of economy that had prompted the sponsors to submit their amendment, it would, in his opinion, be better for States to send small delegations rather than to make other States responsible for protecting their interests. Assuming that the States concerned had to defend their interests at a conference or a specific organ, and that there was a danger of a conflict of interests, he failed to see how a single delegation could represent several States. Neighbouring States could have common interests of a general nature but they did not always share the same concerns on a specific question. The members of a composite delegation might not be able to reach agreement, and if a delegation represented several States but belonged to one specific State, that delegation would first serve the national interests of its own country. Such an arrangement was far from offering an ideal solution; that was why his delegation could not support the amendment in document A/CONF.67/C.1/L.75.

17. Mr. CALLE Y CALLE (Peru) considered that the amendment under consideration was based on firm foundations and he saw no reason why two or more States should not send a single delegation to an organ or to a conference. Furthermore, he understood that, in international financial institutions, several countries belonging to the same region or making a joint financial contribution to the institution could be represented by a single delegation and that there were other examples

of such practice. For instance, the Convention on Special Missions explicitly provided for the question in articles 5 and 6, and the Committee of the Whole had itself decided to include (9th meeting) a paragraph to that effect in article 8. In the opinion of his delegation, similar action should be taken in the case of article 42, for the absence of a similar rule in that article might give the impression that the possibility of several States sending one and the same delegation to an organ or to a conference had been excluded, an impression which must be avoided.

18. His delegation supported the subamendment proposed orally by the Netherlands but it could not support that proposed orally by the United Kingdom. The question raised in the latter subamendment could be dealt with in article 46 concerning the size of the delegation.

19. Moreover, his delegation approved article B of the annex, concerning the sending of observer delegations.

20. He said that his delegation would vote for the amendment in document A/CONF.67/C.1/L.75, because the rule it embodied concerned very many countries, including Peru. In the future, States would frequently find it useful, and even necessary, to send one and the same delegation to an organ or to a conference, as was indeed the case at the current Conference, where Guatemala and El Salvador were represented by a single person.

21. Mr. RAOELINA (Madagascar) considered that the amendment in document A/CONF.67/C.1/L.75 could help the developing countries, because it would enable several countries to be represented, in exceptional cases, by a single delegation. The countries in question would, of course, have the same political objectives. The three-Power proposal was clear: multiple representation was an option, not an obligation. In opposing the amendment, the Canadian representative had invoked United Nations practice. But the examples referred to by the Legal Counsel of the United Nations could be countered by the case of the representative of Guatemala and El Salvador to the current Conference who, when there was a vote by roll-call, voted in turn for both countries she represented.

22. He could not accept the subamendment proposed orally by the Netherlands, because the word "explicitly" was too restrictive. The examples given by the Legal Counsel showed that multiple representation was not accepted in United Nations practice. The purpose of the three-Power amendment was precisely to allow of a more flexible interpretation of international law, which developed with time. As the Peruvian representative had said, article 8, which authorized multiple accreditation, should be confirmed by article 42. He would therefore vote in favour of the amendment in document A/CONF.67/C.1/L.75.

23. Mr. SMITH (United States of America) said that he would not support the amendment to article 42 proposed orally by Czechoslovakia, because he considered it unnecessary. In his opinion, the subamendment proposed orally by the Netherlands to the amendment in document A/CONF.67/C.1/L.75 introduced a certain precision into the three-Power text; but the comments of the Legal Counsel had convinced him that the International Law Commission's text was preferable. He would therefore vote in favour of that text.

24. Sir Vincent EVANS (United Kingdom) pointed out that although multiple representation had, in some cases, been permitted in the past, not all international organizations had permitted it. Moreover, the Legal Counsel had shown clearly that, when the practice had been allowed, it had been allowed subject to certain conditions. Since the practice of organizations differed in the matter and since those organizations which had allowed multiple representation had done so subject to certain conditions, he considered that the ILC had been right not to include a provision on the matter in the draft articles. He appreciated the financial considerations involved in the case of small countries, but thought that if a State were sufficiently interested in a question it could send its own delegation to the organ or the conference dealing with that question. In the past, organizations had hesitated to allow multiple representation because there was a risk that, by indirectly introducing the system of proxy voting, the practice would give rise to abuse. He was therefore in favour of the Commission's text.

25. However, should the Committee decide to adopt the three-Power proposal (A/CONF.67/C.1/L.75), he would support the subamendment proposed orally by the Netherlands which, in his opinion, improved the text of the amendment. The examples cited by the Legal Counsel showed that the subamendment proposed orally by his delegation would be in accordance with practice and would provide a safeguard against abuse. The decision whether the text should appear in article 42 or in article 48 could be left to the Drafting Committee. He insisted, however, that his subamendment be put to the vote at the current meeting, because of its impact on the amendment in document A/CONF.67/C.1/L.75.

26. Mr. KABUAYE (United Republic of Tanzania) said that he fully supported the three-Power proposal, less for financial reasons than for political reasons. The appointment of a delegation was a political decision, in which financial considerations played only a subsidiary role.

27. The situation of the developing countries, particularly the African countries, caused them to group together on the international scene. That was a very important aspect of contemporary politics, which must be taken into account in the progressive development of international law.

28. Mr. OSMAN (Egypt) considered that the amendment in A/CONF.67/C.1/L.75 introduced an option which was in keeping with the requirements of contemporary international life. The amendment also contained a safeguard clause, since it provided that the option could be exercised only "in accordance with the rules and decisions of the Organization". He would therefore vote in favour of the amendment submitted by the three Powers.

29. Mr. KUZNETSOV (Union of Soviet Socialist Republics) moved the closure of the debate.

30. Mr. ESSY (Ivory Coast) and Mr. SINAGRA Italy) opposed the motion.

31. The CHAIRMAN put to the vote the Soviet Union's motion for closure of the debate, in accordance with rule 26 of the rules of procedure.

The motion was rejected by 20 votes to 15, with 25 abstentions.

32. Mr. CALLE Y CALLE (Peru) said that he was opposed to the amendment submitted orally by Czechoslovakia because article 80 was a general provision which could be applied to all the articles of the convention. If it was mentioned in article 42, it would also have to be mentioned in the other articles.

33. Mr. KABUAYE (United Republic of Tanzania) said that he, too, could not support the amendment to article 42 submitted orally by Czechoslovakia.

34. Mr. MAAS GEESTERANUS (Netherlands) said that he had been impressed by the arguments adduced by several delegations and by the opinion expressed by the Legal Counsel concerning the complications to which introduction of the principle of multiple representation would certainly give rise. He considered, however, that in the case of certain States that principle was a necessity. The amendment submitted orally by his delegation was aimed at reconciling the two positions which had emerged in the Committee. He would therefore maintain it. If it was not adopted, he would be obliged to vote against the amendment in A/CONF. 67/C.1/L.75.

35. Mr. EUSTATHIADES (Greece) said that he, also, was aware of the difficulties which would be created by the introduction of the principle of multiple representation of States, difficulties which concerned especially the voting—taking into consideration either the difference of interests of the States represented, or the unforeseen development of the debates, but he thought it better to accept that principle, with its attendant drawbacks, than to deprive the international community of the representation of certain States. Moreover, the problems entailed by multiple representation would not arise in the case of observer delegations, which did not have a right to vote. His delegation would therefore vote in favour of the amendment in document A/CONF.67/C.1/L.75 and the Netherlands oral subamendment.

36. Mr. ESSY (Ivory Coast) said that the amendment which his delegation had sponsored (A/CONF.67/C.1/L.75) was aimed at providing for the future. One often heard it said, particularly at economic conferences, that the developing countries should group together. Such grouping would be encouraged and facilitated if countries could send a joint delegation to a conference to defend their common interests. That could contribute to further consolidating the ties within those groupings. The Legal Counsel had spoken of cases where several States had not been authorized to be represented by a single delegation, but he had been referring exclusively to United Nations practice, whereas other organizations seemed ready to concede the principle of joint delegations. The present Conference should not confine itself to codifying existing practice only within the United Nations but rather all practices already emerging within regional bodies that might contribute to the progressive development of international law and co-operation.

37. The form of diplomacy contemplated by the amendment under consideration undoubtedly raised a number of problems, but it would help to solve some of the difficulties confronting host States on account of the proliferation of delegations.

38. With regard to the argument that certain States might collect proxies in that matter to go and vote in conferences in which they were interested, he pointed out that it was wronging the States that had already resorted to joint delegations or that might be considering resorting to that method in their multilateral diplomatic relations. Clearly, no sovereign, responsible State would ever be prepared to delegate its powers lightly.

39. The United Kingdom oral subamendment was not acceptable to his country, as it ran counter to the concern for economy underlying the amendment in document A/CONF.67/C.1/L.75. With regard to the Netherlands oral subamendment to that amendment, he endorsed the arguments adduced by the Malagasy representative. His delegation was also unable to support the Czechoslovak oral amendment, for the same reasons as those given by the Peruvian representative.

40. All his delegation wanted was to facilitate participation by the developing countries in meetings of organs or of conferences. Experience showed that a joint representative for several States could very well defend divergent interests and if appropriate vote differently in each case.

41. Mr. SUY (Legal Counsel of the United Nations) said he wished to make it clear that each of the cases he had cited had concerned the representation of several States by a single person. United Nations practice was opposed to such a form of representation, but it did not exclude the possibility of several States being represented by a single delegation.

42. Mrs. DE MÉRIDA (Guatemala) said that the Salvadorian delegation and her own delegation, which were both sponsors, with the Ivory Coast delegation, of the amendment in document A/CONF.67/C.1/L.75, could not accept the Netherlands oral subamendment, as it would have a restrictive effect. The formula "in accordance with the rules and decisions of the Organization", which appeared in that amendment, was clear: multiple representation was only possible if the organization concerned agreed to it.

43. Nor was the United Kingdom oral subamendment acceptable, since it related rather to article 46. With regard to the Czechoslovak oral subamendment, the Salvadorian and Guatemalan delegations shared the point of view expressed by the representative of the Ivory Coast.

44. The sponsors of the amendment in document A/CONF.67/C.1/L.75 desired the widest possible participation in meetings of organs and conferences and they regretted, in particular, the relatively limited participation of the international community in the present

Conference. Consequently, they did not propose to change the text of their amendment.

45. Miss SALDIVAR (Mexico) wondered whether the Committee was going to legislate for the past or for the future. For technical reasons, many States were unable to participate in the ever-growing number of meetings of organs and conferences. It was nevertheless important that the participation of States should be as wide as possible, so as to promote exchanges of ideas between the nations. The concept of a joint delegation therefore met a need, and her delegation whole-heartedly supported the amendment in document A/CONF.67/C.1/L.75.

46. Mr. MITIĆ (Yugoslavia) explained that, although his Government had never practised the form of diplomacy contemplated in the amendment under consideration, it perfectly understood the reasons underlying it. Since the amendment did not impose any obligation on the organization, his delegation deemed it acceptable.

47. The PRESIDENT put to the vote the amendment to article 42 submitted orally by the Czechoslovak delegation, providing for the addition of the words "in conformity with article 80 of this Convention".

The amendment was rejected by 27 votes to 13, with 17 abstentions.

48. The PRESIDENT put to the vote the Netherlands oral subamendment in document A/CONF.67/C.1/L.75 to delete the words "in accordance with the rules and decisions of the Organization" and to add, at the beginning of that amendment, the words "Where the rules and decisions of the Organization explicitly so permit".

The subamendment was rejected by 33 votes to 18, with 10 abstentions.

49. The PRESIDENT put to the vote the subamendment to the amendment in document A/CONF.67/C.1/L.75, submitted orally by the United Kingdom delegation, providing for the addition, at the end of that amendment, of the following phrase: "The number of persons appointed to the diplomatic staff of such a joint delegation shall be at least equal to the number of States which send that delegation".

The subamendment was rejected by 37 votes to 12, with 12 abstentions.

50. The PRESIDENT put to the vote the amendment to article 42, submitted by El Salvador, Guatemala and Ivory Coast (A/CONF.67/C.1/L.75).

The amendment was adopted by 44 votes to 10, with 6 abstentions.

Article 42 as a whole, as amended, was adopted by 46 votes to 1, with 14 abstentions.

51. Mr. OVERVAD (Denmark) said that the reason why his delegation had abstained in the vote on the amendment in document A/CONF.67/C.1/L.75 was not that it objected to the idea embodied in it. The sending of joint delegations might enable small States to be represented in organs and at conferences dealing with technical questions. His delegation could not, however, accept the wording of that amendment, which was too vague. In its opinion the question dealt with should be settled in each individual case, having regard, in particular, to the agenda of the relevant organ or conference. In some instances, it might be preferable not to authorize joint delegations. The wording of the amendment did not take sufficient account of that important aspect of the problem. If the Netherlands oral subamendment had been approved, his delegation would then have been able to vote in favour of the amendment in document A/CONF.67/C.1/L.75.

52. Mr. SMITH (United States of America) said that his delegation had voted against the Czechoslovak amendment not because it was opposed to the principle of non-discrimination, but because it considered that the amendment served no purpose. It had voted against the amendment in document A/CONF.67/C.1/L.75 and had abstained in the vote on article 42 as a whole, because the new version of that provision introduced into the future convention an element which was incompatible with United Nations practice. He pointed out that draft article 42, as prepared by the ILC, did not exclude the sending of joint delegations.

53. Mr. von KESSEL (Federal Republic of Germany) explained that his delegation had abstained in the vote on the amendment in document A/CONF.67/C.1/L.75 and on article 42 as a whole, but that it would have adopted a different attitude if the Netherlands subamendment had been approved. While appreciating the arguments put forward in favour of developing countries, he had taken account of the explanations given by the Legal Counsel of the United Nations, according to which the principle of multiple representation was not universally accepted. It therefore seemed too early to codify a practice which was not yet firmly established.

54. Mr. LARSSON (Sweden) said that his delegation had voted against the amendment in document A/CONF.67/C.1/L.75, not because it was opposed to the practice prevailing at certain technical conferences, but because it considered that that practice was an isolated one and should not be encouraged.

55. Mr. von NUMERS (Finland) explained that he had voted against the amendment in document A/CONF.67/C.1/L.75 for the reasons already indicated by the Danish and Swedish representatives.

56. Mr. AARS-RYNNING (Norway) said that he had abstained in the vote on the amendment in document A/CONF.67/C.1/L.75 and on article 42 as a whole, for the same reasons as those given by the Danish, Swedish and Finnish representatives.

57. Mr. SYSSOEV (Union of Soviet Socialist Republics) said he had voted for the amendment in document A/CONF.67/C.1/L.75, having regard to the needs of the developing countries. He pointed out that at the international energy conference, to be held shortly, western European States would be represented by a single delegation.

58. Mr. SINAGRA (Italy) signified that he had voted against the Czechoslovak amendment for the reasons already given by the United States representative, and against the Netherlands oral subamendment, because

the latter would not have affected the meaning of the amendment in document A/CONF.67/C.1/L.75. The United Kingdom oral subamendment would have bereft the amendment of its content. His delegation had voted for the latter amendment in the belief that the expression "in accordance with the rules and decisions of the Organization" constituted a useful saving clause.

59. Mr. TAKEUCHI (Japan) endorsed the Swedish representative's statement.

Organization of work

60. Mr. TODOROV (Bulgaria), referring to the decision taken by the conference at its 5th plenary meeting to recommend that, whenever feasible, the Committee of the Whole should consider part III of the draft jointly with annex, proposed that the Committee should examine and put to the vote article B of the annex, which corresponded to article 42. At its 4th plenary meeting the Conference had adopted the recommendations by the General Committee that it should discuss the draft article by article and that whenever feasible the Secretariat's suggested grouping of articles (A/CONF.67/3, p. 6) could serve as useful guidance. According to that plan, it was precisely recommended that article 42 should be considered jointly with article B of the annex. Since the wording of those two provisions was identical, apart from the expressions "delegation" and "observer delegation", the Chairman might decide, at the next meeting, to put article B to the vote, without previous discussion.

The meeting rose at 1.05 p.m.

24th meeting

Friday, 21 February 1975, at 3.15 p.m.

Chairman: Mr. NETTEL (Austria).

Organization of work

1. The CHAIRMAN recalled that, following the adoption by the Committee at its previous meeting of the text of article 42 (Sending of delegations) proposed by the International Law Commission (ILC) (see A/CONF.67/4), the Bulgarian delegation had moved that the Committee should proceed to deal with article B (Sending of observer delegations) of the annex (*ibid.*), the contents of which were almost identical with those of article 42 except, of course, that the expression "observer delegation" appeared instead of the term "delegation".

2. In that connexion, he recalled his ruling at a previous meeting that if articles of the annex were to be considered together with the corresponding articles in part III, the meeting of the Committee of the Whole would have to be suspended for two days, or at least one, in order to allow for the usual time-limit for the submission of amendments in so far as the articles of the annex were concerned.

3. That being so, it was his opinion that the procedural motion relating to article B of the annex could only be considered if no delegation wished to submit any amendment to that article and, furthermore, if there was general agreement in the Committee that article B should be worded in the same manner as article 42, in the form in which it had emerged from the discussion at the previous meeting.

4. He invited delegations to state whether they wished to submit any amendments to article B of the annex.

5. Mr. SURENA (United States of America) said that, at the present stage, his delegation was not in a position to say whether it would submit an amendment to article B of the annex. Moreover, it found it difficult to accept that article B should be disposed of simply by a treatment parallel to that given to article 42.

6. Mr. TODOROV (Bulgaria) said that his procedural motion relating to article B of the annex was the logical outcome of decisions taken both by the Conference in plenary and by the Committee of the Whole, decisions which he had fully described to at the previous meeting.

7. At that meeting, the Committee had rejected a number of amendments proposed for article 42, which had thus emerged in its original form. As a result, the text of article B of the annex was almost identical with that of article 42 as adopted; moreover, the objections made in the General Committee by some of its members related only to articles of the annex which were not similar in terms to the corresponding articles in part III.

8. In the circumstances, he proposed that the Committee should now embark on the consideration of article B of the annex.

9. The CHAIRMAN recalled this ruling at a previous meeting on that question. He could only interpret the decisions of the Conference in plenary with regard to the articles in part III (Delegations to organs and to conferences) (articles 42 to 57) as implying that, should a joint discussion take place on an article of part III and the corresponding article of the annex, he would have to allow delegations one or two days to submit any amendments to the article of the annex. He would therefore not put to the vote the proposal submitted by the Bulgarian delegation but would be prepared to put to the vote any appeal from his ruling.

10. Since no delegation wished to take the floor on that point, he wished to request delegations to submit, by noon on Monday, 24 February 1975, amendments to articles 66–70 and to any articles of the annex discussion of which might, in the opinion of delegations, be possible in conjunction with those articles.