

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

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43rd meeting of the Committee of the Whole

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43rd meeting

Thursday, 6 March 1975, at 10.50 a.m.

Chairman: Mr. NETTEL (Austria).

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 81 (Consultations between the sending State, the host State and the Organization) and *article 82* (Conciliation) (continued) (A/CONF.67/4, A/CONF.67/C.1/L.145)

1. Mr. RAOELINA (Madagascar), referring to the amendment to article 81 submitted by Switzerland (A/CONF.67/C.1/L.145), said that his delegation appreciated the reasons which had led the Swiss delegation to submit its amendment. Those reasons had been very clearly explained by the Swiss representative at the previous meeting. Nevertheless, his delegation hoped that the Swiss delegation would be willing to include in its amendment the reference to "the conference" contained in the International Law Commission's text (see A/CONF.67/4).

2. With regard to the Swiss delegation's amendment to article 82 (A/CONF.67/L.145), he said that the first sentence of its paragraph 2 might lead to confusion. He suggested, therefore, that for the first sentence of that paragraph the text proposed by the International Law Commission (ILC) should be retained.

3. Mr. AL-ADHAMI (Iraq) said that some of the amendments proposed by the Swiss delegation, particularly those to paragraph 2 of article 82, were very useful. It was not very clear, however, what would happen if one of the parties to the dispute failed to designate a person to serve as a member of the conciliation commission. Indeed, the last part of paragraph 2 of the Swiss text seemed to imply that a conciliation commission could consist of only two persons. Such a procedure might lead to difficulty when the time came to reach a decision or make recommendations.

4. Mr. GÜNEY (Turkey) said that the conciliation procedure proposed by the ILC was long and complicated. It was appropriate, therefore, that it should be improved. In introducing the improvements, however, the Committee should keep to the Commission's text as much as possible. In general, his delegation could accept the amendments proposed by Switzerland (A/CONF.67/C.1/L.145), the effect of which would be to simplify the procedure. It wondered, however, whether sufficient emphasis had been laid, in those amendments, on the role to be played by the organization in the settlement of disputes. To the extent that the statutes of an organization provided for a procedure for the settlement of disputes, such procedure should be followed. He proposed, therefore, that the words "any State party to the dispute may submit it to such procedure applicable to the settlement of the dispute as may

be established in the Organization. In the absence of any such procedure" should be inserted between the words "inception" and "any party to the dispute" in paragraph 1 of the Swiss delegation's text of article 82. It would be noted that the wording of his delegation's oral subamendment had been taken from paragraph 1 of the Commission's text of article 82.

5. He pointed out that neither the text of the Commission nor that of Switzerland provided that, in the event of the conciliation commission's report not being accepted by the parties to a dispute, resort to an arbitral tribunal should be mandatory. The Netherlands proposal for a new article 82 *bis* (A/CONF.67/C.1/L.147) went some way towards remedying that defect.

6. Mr. AVAKOV (Union of Soviet Socialist Republics) said that the International Law Commission's decision to make provision in the draft articles for a procedure to settle disputes was commendable. Nevertheless, article 82 could not be described as perfect. In that connexion, he wished to associate himself with those speakers who had commended the Swiss delegation on its efforts to produce a better text. It was a source of satisfaction to his delegation that the Swiss text was more condensed than the Commission's text and that the time-limits specified in it were shorter than those specified in the Commission's text. In view of the comments made by the representatives of Madagascar and Turkey, however, his delegation wished to propose the following oral subamendment to the Swiss amendment to article 82 (A/CONF.67/C.1/L.145): paragraph 2 of the Swiss text should be replaced by paragraph 2 of the International Law Commission's text; in paragraph 3 of the Swiss text, the words "by the President of the International Court of Justice . . . senior judge who is not a national of one of the parties to the dispute" should be replaced by the words "by the chief administrative officer of the Organization" followed by the last two sentences of paragraph 3 of the Commission's text; paragraph 7 of the Commission's text should be inserted between paragraphs 7 and 8 of the Swiss text.

7. Mr. OSMAN (Egypt) said that the provisions of articles 81 and 82 were important because they would render the convention effective. His delegation had voted against many of the amendments proposed to the Commission's text because it considered that the concerns of the sponsors of those amendments would be better met if the parties to a dispute could have recourse to a system of consultation and conciliation. He joined previous speakers in congratulating the Swiss delegation on its endeavours to improve the Commission's text. His delegation would have no difficulty in supporting the Swiss amendments, but it hoped that the Swiss delegation would be able to accept some of the subamendments which had been proposed at the meeting.

8. Mrs. BUBESHI (United Republic of Tanzania) said that the tripartite arrangement—between sending State, host State and Organization—provided for in article 81 was commendable and would yield positive results, since it would contribute to co-operation and understanding among nations. The procedure to be followed in cases in which the provisions of article 81 proved inadequate were set out in article 82. Referring to the provisions of paragraph 2 of the Commission's text of article 82, she suggested that the Committee should consider the possibility of providing for a single umpire acceptable to all parties or appointed by the representatives of the parties. The advantages of such a procedure should not be underestimated; the mere fact that the parties could agree to appoint an umpire would mean that they were on the way to resolving their differences.

9. Nevertheless, her delegation still had reservations concerning the usefulness of an article like article 82 in the convention. It believed that the approach to the settlement of disputes was very much influenced by continental practice and she questioned the efficacy of an elaborate legal procedure such as that envisaged in article 82. Experience had shown that diplomacy was more effective than legal procedures. Any procedures for the settlement of disputes should be flexible. In a world in which events were determined by political will, and in the absence of a world police force, emphasis on legal procedures was futile. It followed from what she had said that, for want of enforcement agencies, the provisions of paragraph 5 of the Commission's text of article 82 were meaningless. The emphasis should be less on compulsory procedure and more on effectiveness. Establishment of a compulsory procedure would mean that, when time came to implement the provisions of the convention, it would be the big Powers which would put the procedure into effect. In such circumstances, how were the interests of small States to be defended? Accordingly, her delegation recommended a flexible approach to the question.

10. Mr. LAVINA (Philippines) said that many provisions of the Swiss amendments were commendable. It was satisfactory, for instance, that the conciliation procedure would be shorter than that for which the Commission had provided, that a register would be established of persons designated to serve on the conciliation commission, that the report of the commission would not be binding unless all parties to the dispute had accepted it and that any party might declare unilaterally that it would abide by the conclusions of the report so far as it was concerned. Nevertheless, articles 81 and 82 had the benefit of long study and careful review. It was a source of particular satisfaction to his delegation that under those articles the organization would play an active role in the settlement of disputes. It might be useful to try to introduce the satisfactory elements of the Swiss text into the ILC text. Should that prove impossible, his delegation would, on balance, support the ILC text.

11. Mr. HAQ (Pakistan) said that in its amendments to articles 81 and 82 (A/CONF.67/C.1/L.145) the Swiss delegation had rightly assigned a peripheral role to the organization. His delegation proposed that in

paragraph 2 of the Swiss text of article 82, the second sentence should be replaced by a sentence to the effect that each side of the dispute was to designate in advance a person to serve as member of the conciliation commission.

12. In the opinion of his delegation, the reduction of time-limits stipulated in the Swiss proposal was likely to aggravate the situation and lead to an impasse in disputes of a serious nature. His delegation supported the Turkish delegation's oral subamendment to the Swiss amendment, and it shared the Turkish representative's concern about situation in which the conciliation commission might fail to persuade the parties to the dispute to reconcile their differences. Neither the draft articles nor the Swiss amendments provided for such a situation. The Netherlands proposal for a new article 82 *bis* might constitute a possible means of dealing with it.

13. Mr. SURENA (United States of America) said that his Government had long been committed to pursuing peaceful methods of settlement in international disputes. Accordingly, his delegation viewed favourably the inclusion in the draft articles of provisions emphasizing the need for consultation and providing for a mechanism for the peaceful settlement of disputes. In that connexion, his delegation was particularly appreciative of the successful efforts made by the Swiss delegation to improve the text on consultation and conciliation. It considered, however, that the Turkish subamendment improved the Swiss amendment and could support the Soviet Union's proposal that paragraph 7 of the ILC text should be inserted in the Swiss text. His delegation would, however, have difficulty in supporting the Soviet Union's subamendment to paragraph 3 of the Swiss text. In its opinion, a deficiency of the ILC text was that it provided that the chief administrative officer of the organization would appoint the chairman of the commission. The organization itself might be laterally involved in a dispute. In the interests of impartiality, therefore, it would be better if someone totally unconnected with the matter were to designate the chairman. He associated himself with the views expressed by the Turkish representative on the Netherlands proposal for a new article 82 *bis*.

14. Mr. PINEDA (Venezuela) said that, to a certain extent, the Swiss amendments to articles 81 and 82 improved the International Law Commission's text. They did not, however, fully guarantee the participation of the organization and, where appropriate, the participation of specialized conferences in the conciliation procedure, in line with article 22 of the proposed convention.

15. His delegation was of the opinion that the safeguard clause in paragraph 3 of the ILC text of article 82 relating to the appointment of the chairman of the conciliation commission by the chief administrative officer of the organization was preferable to the appointment procedure envisaged in the Swiss amendment because it ensured the participation of the organization in the conciliation procedure. He could therefore not support the text of that paragraph proposed by the Swiss delegation. Similarly, his delegation preferred article 81 as

it stood, because the ILC treated the participation of the organization as obligatory, while the Swiss amendment made such participation optional. In that connexion, he stated that his delegation had decided against proposing an oral amendment to insert the words "or conference" after the word "Organization" near the end of article 81, in accordance with the suggestion made by the representative of Madagascar, in view of the difficulties to which such an oral amendment might give rise, particularly with regard to specialized conferences, such as the Humanitarian Law Conference now being held in Geneva.

16. His delegation was, however, in favour of the time-limits proposed in the Swiss amendment to article 82 and, in particular, in the first part of paragraph 7 of that amendment, because they would contribute to the rapid settlement of disputes. It did, however, have some doubts with regard to the last sentence of that paragraph because it felt that the conclusions of the conciliation commission could not be binding since the whole purpose of the procedure envisaged in article 82 was to reconcile the interests of the parties involved in the dispute.

17. Mr. YAÑEZ BARNUEVO (Spain) said that the amendments to articles 81 and 82 proposed by the Swiss delegation would certainly contribute to the rapid settlement of disputes between two or more parties arising out of the application or interpretation of the convention and that his delegation could support those amendments. Referring to article 81, he noted that some delegations had stated that the text proposed by the ILC was preferable because it was clearer than the Swiss amendment as far as the participation in consultations was concerned. While he understood that view, he noted that the wording of the text proposed by the ILC was less flexible than that of the text proposed by the Swiss delegation. Thus, the text proposed by the ILC referred specifically to the host State, the sending State and the organization or conference, but it did not take account of the fact that a dispute could also arise between two sending States or between a sending State and a transit State. In that connexion, he recalled that the Sixth Committee of the General Assembly had considered at its twenty-second session a dispute between a sending State and a transit State which was settled by consultations in which the Secretary-General had taken part. His delegation considered that the text proposed by the Swiss delegation did take account of the possibility of such a dispute. On the other hand, he suggested that the Drafting Committee replace at the beginning of its proposal the word "parties", which could be understood as "parties to the dispute", by "States parties" in the present convention.

18. With regard to the possible participation of the organization, he did not share the view expressed by some delegations that the text of article 81 prepared by the ILC made such participation obligatory. In that connexion, he noted that the Swiss amendment limited itself to providing that the organization could be invited to join in the consultations by any one of the parties to the dispute. For his part he would have no difficulties in supporting the International Law Com-

mission's text on that point but he thought that, if the organization did participate in the consultations, article 82 could not provide that the chief administrative officer of the organization should be the person to appoint the chairman of the conciliation commission, since, in such a case, it would be preferable for the President of the International Court of Justice to perform that function.

19. Mr. EUSTATHIADES (Greece) said that it was to be hoped that disputes could be resolved by the consultations provided for in article 81 rather than by the mechanism of article 82, but that his delegation appreciated the efforts made by the Swiss delegation, whose amendment to article 82 had *inter alia* the important advantage of reducing the time-limits provided for in the International Law Commission's text. He recalled in that connexion that one of the studies published by the speaker, entitled "Arbitration and Conciliation in the Convention on the Law of Treaties"¹ contained observations relating to time-limits similar to the provisions proposed by the Swiss delegation.

20. Referring to paragraph 3 of the Swiss amendment (A/CONF.67/C.1/L.145) relating to the designation of the chairman of the conciliation commission by the President of the International Court of Justice, he proposed an oral subamendment that would insert the words "within one month" after the words "by the President of the International Court of Justice" in order to set a time-limit for the designation of the chairman of the conciliation commission.

21. His delegation was of the opinion that the conciliation procedure should lead to a rapid settlement of disputes and that the wording of paragraph 6 of the Swiss amendment, which stated that the conciliation commission could recommend to the organization to request an advisory opinion from the International Court of Justice, might hamper that procedure and prevent the desired results from being achieved. In his view, the references to an advisory opinion of the Court could well be deleted from article 82. The deletion of that reference could, however, be compensated by the provisions of the new article 82 *bis* proposed by the Netherlands and Sweden in document A/CONF.67/C.1/L.147, which envisaged recourse to an arbitral tribunal in connexion with the conciliation procedure. His delegation fully supported that proposal, but would suggest that the three months' time-limit it envisaged should be changed to one or, possibly, two months. His delegation also supported the USSR oral subamendment for the retention of the International Law Commission's text of paragraph 7 of article 82.

22. Mr. VON KESSEL (Federal Republic of Germany) said that his delegation could support the Swiss amendments, as orally subamended by the representatives of Turkey and Greece. It also considered that the subamendments proposed by the Soviet Union could easily be incorporated into the Swiss amendments. In that connexion, he noted that the Soviet Union pre-

¹ See *Mélanges offerts à Polys Modinos: problèmes des droits de l'homme et de l'unification européenne*, Paris, Editions A. Pedone, 1968, p. 28.

ferred the original paragraph 2 of article 82 but since paragraph 2 of the Swiss amendment seemed to provide for a more rapid conciliation procedure, his delegation suggested that it might be possible to find a compromise solution.

23. Referring to the appointment of the chairman of the conciliation commission by the President of the International Court of Justice, as proposed in paragraph 3 of the Swiss amendment, he suggested that there, too, a compromise solution acceptable to the majority of delegations in the Committee might be found by using such words as "the Chairman shall be designated either by the President of the International Court of Justice or by the chief administrative officer of the Organization".

24. The doubts expressed with regard to the text of paragraph 7 prepared by the ILC had been taken into account in the oral subamendment proposed by the representative of Turkey. His delegation could, however, support the Commission's original text if the words "arising in connexion with the conference" were replaced by the words "arising out of the interpretation or application of the present Convention".

25. Mr. BARAKAT (Yemen) said that, on the whole, his delegation was in favour of the International Law Commission's texts of articles 81 and 82 although it recognized that the Swiss delegation had made a very constructive contribution in proposing its amendments. It considered that the time-limits established in the Commission's text should be maintained and fully agreed with the comments made concerning the reference to the "chief administrative officer of the Organization" in the last sentence of paragraph 3 of the Commission's text. In that connexion, he requested the Expert Consultant to explain why the ILC had selected the chief administrative officer of the organization as the person who should appoint the chairman of the conciliation commission.

26. Mr. EL-ERIAN (Expert Consultant), replying to the question asked by the representative of the Yemen, said that in deciding to entrust the function referred to in paragraph 3 of article 82 to the Secretary-General of the United Nations or to the corresponding official of a specialized agency, the ILC had considered that the chief administrative officer would have a great deal of experience and knowledge of problems arising within his organization in connexion with the application or interpretation of a convention such as the one under discussion. At the Committee's previous meeting, when introducing his delegation's amendments, the representative of Switzerland had stated that articles 81 and 82 were intended to deal with practical problems and it was precisely for that reason that the ILC had decided not to follow the usual pattern of entrusting the task of designating the chairman of the conciliation commission to the President of the International Court of Justice.

27. Referring to the point made by the representative of the United States that the organization was, in a sense, involved in any dispute which arose or might even be a party to the dispute, he noted that the text of article 82 proposed by the ILC was intended to deal only

with disputes arising between a host State and one or more sending States, not between the organization and a sending State. In that connexion, he drew the attention of the representative of the United States to the fact that the ILC had indeed taken account of the possibility that the organization might be involved in the dispute as a result of its participation in the consultations and had therefore provided in paragraph 3 of article 82 that the chairman of the conciliation commission should be a qualified jurist who was neither an official of the organization nor a national of any State party to the dispute. He also noted that, in paragraph 10 of its commentary to article 82 (see A/CONF.67/4), the Commission had explained that the last sentence of paragraph 3 set forth three requirements for the appointment of a member or the chairman of the conciliation commission in order to ensure against a possible fear of bias in connexion with such an appointment.

28. Mr. SUY (Legal Counsel of the United Nations), speaking as the representative of the Secretary-General, noted that the Committee on Relations with the Host Country had been established in New York several years previously as a result of security difficulties encountered by sending States. The composition of that Committee was tripartite in nature, its membership consisting of representatives of the host State, sending States and the Organization. He wondered, however, what the role of that Committee would be when article 81 of the proposed convention had been adopted and had entered into force.

29. Mr. WARNOCK (Ireland), in congratulating the Swiss delegation on its amendments to articles 81 and 82 (A/CONF.67/C.1/L.145) said that he was in favour of strengthening the conciliation provisions. The time-limits established in the International Law Commission's text of article 82 were too long since the object should be to achieve a speedy solution to disputes.

30. Mr. MARESCA (Italy) pointed out that in the annex to the Vienna Convention on the Law of Treaties² there was a provision that the expenses involved in the conciliation procedure should be borne by the United Nations. He suggested that some thought should be given to the question of responsibility for meeting the expenses incurred by the conciliation procedure under consideration, which in general he supported.

31. Mr. SURENA (United States of America) said in connexion with the point raised by the Legal Counsel that he did not think that the form of consultation envisaged in article 81 would conflict with the existing procedure in the Committee for Relations with the Host Country. That Committee provided a forum for the general exchange of views in which the Organization was occasionally involved as an intermediary. It dealt with various technical and administrative aspects—such as security, parking and insurance—of the relations between the City of New York and the missions to the United Nations.

² See United Nations Conference on the Law of Treaties, 1968 and 1969, *Official Records* (United Nations publication, Sales No. E.70.V.5), p. 287.

32. The consultations provided for in article 81 and more particularly in the Swiss amendment to that article (A/CONF.67/C.1/L.145), would deal with more specific issues including disputes between sending States, such as that cited by the Spanish representative.

33. With regard to the observations of the Expert Consultant on the choice of chairman for the conciliation commission, he readily conceded that the ILC had taken account of the fact that the organization might be involved in the dispute and also that it had made stipulations which gave a guarantee of impartiality. However, the President of the International Court of Justice would be more overtly impartial and was therefore to be preferred on that score.

34. Mr. RITTER (Switzerland) thanked delegations for their constructive criticism of his delegation's amendments to articles 81 and 82 (A/CONF.67/C.1/L.145).

35. In article 81, the representative of Madagascar had suggested the addition in the second sentence of the words "or the conference". He accepted that suggestion. The Venezuelan representative had commented on the role of the organization and the type of dispute involved. He thought that it was useful to extend the scope of the article to cover all disputes, as might be seen from the example cited by the Spanish representative. The opinions of speakers with regard to the role of the organization had been divided and he thought that the best course was to adopt the procedural proposal made by the Peruvian representative at the previous meeting, and take a separate vote on the relevant part of the amendment to article 81.

36. With regard to his delegation's draft of article 82, he understood the concern which had prompted the oral subamendment proposed by the Turkish representative to paragraph 1. However, as he had already stated in presenting his draft articles at the previous meeting, when the host State was involved in a dispute, whether or not that State was a member of the organization, it was in a sense outside the purview of the organization so that automatic referral to the latter's settlement procedure might not be relevant. Such a procedure would have been designed to settle disputes within the particular field of activity of the organization concerned and not those envisaged in article 82. Furthermore, the permissible time-limits might be lengthy and that would delay the speedy settlement of disputes, which was one of the main objects of the proposed amendments. Nevertheless, he conceded that the door should be left open to having recourse to the settlement procedure of the organization when, in the judgment of the parties to the dispute, it was appropriate to do so. He would make a proposal to meet that point later.

37. With regard to the objection raised by the representative of Madagascar to the wording of the first sentence of paragraph 2, he suggested that the matter should be left to the Drafting Committee. He hoped that the representative of the USSR would not insist on reinstating the International Law Commission's draft of paragraph 2; that would entail the deletion of the provision in the amendment that the parties to the convention under consideration should designate in advance

a person to serve as member of a conciliation commission—an essential factor in enabling such commissions to function rapidly.

38. He had sympathy with the point made by the representative of Iraq that there was a contradiction in the fact that, although the commission consisted of three members, it could hold meetings with only two members present. In fact, the intention of having a three-member commission remained unchanged and the third member was always welcome to attend. It was, however, impossible to force a State party to a dispute to attend meetings against its will. In the event of one of the parties remaining absent from meetings the provision in paragraph 6 with regard to a majority vote would not apply; the only recommendations which could be adopted would be those on which the chairman of the commission and the other party agreed. Such an arrangement provided a guarantee for the absent party.

39. With regard to the choice of person in paragraph 3 to appoint the chairman of the conciliation commission, he said that although a number of speakers had supported his choice of the President of the International Court of Justice, he thought that the majority of delegations, like the representative of the USSR, preferred the International Law Commission's choice of the chief administrative officer of the organization. He therefore agreed to replace the concluding part of his delegation's draft of paragraph 3 after the words "at the request of the most diligent party" by the words "by the chief administrative officer of the Organization" and the last two sentences of the International Law Commission's draft of that paragraph. Reinstatement of that part of the International Law Commission's text would also meet the point made by the Greek representative that a time-limit should be set for the appointment of the chairman of a conciliation commission; it referred to a period of one month.

40. He understood the Greek representative's concern that the request for an advisory opinion from the International Court of Justice referred to in paragraph 6 should not serve to delay the deliberations of the conciliation commission. He thought, however, that the door should be left open to the possibility of seeking such an opinion on rare occasions when the dispute was an important one, presenting exceptional legal interest. If the Greek representative so desired, he would propose that a separate vote should be taken on the second sentence of the Swiss delegation's draft paragraph 6.

41. With regard to the proposed paragraph 7, he accepted the view of the Netherlands representative that it would be more appropriate to speak of the "recommendations" rather than the "conclusions" of the report in the fourth sentence. With reference to the Venezuelan representative's comments on the concluding part of that paragraph, he wished to reiterate that there had been no intention of suggesting that the recommendations of the conciliation commission should be binding on a party which refused to accept them. However, the problem which had been the subject of the conciliation procedure would remain after the parties or one of the parties had refused to accept the recommendations.

The parties would then have to decide what attitude to adopt in practice. It must therefore be pointed out that each party was entitled to adopt, unilaterally, an attitude that was consistent with the recommendations, and that no objection could be raised on that account.

42. To meet the view of the representative of the USSR that the International Law Commission's paragraph 7 should be reinstated and also the point made by the Turkish representative in connexion with the Swiss delegation's paragraph 1, he proposed that the following text, modelled on the International Law Commission's paragraph 7, should be added to the Swiss draft of article 82:

“Nothing in this article shall preclude any agreement which may be reached between the parties to the dispute to submit it to a procedure established in the Organization or to any other procedure on which they may agree.”

43. Mr. MITIĆ (Yugoslavia) said that after careful consideration of the Swiss amendments (A/CONF.67/C.1/L.145), he had reached the conclusion that the International Law Commission's text of articles 81 and 82 were wider in scope. Disputes arising out of the application or interpretation of the convention under consideration would not be simplified by the exclusion or the diminished role of the organization in their set-

tlement as proposed in the Swiss draft. Any such dispute would of necessity involve the interests and work of the organization and for that reason, in article 81, the ILC rightly gave it the right not only to participate in, but also to initiate, consultations in the event of a dispute.

44. Furthermore, in article 82, paragraph 1, the ILC proposed that disputes unresolved by consultations should first be submitted to any settlement procedure established within the organization. His delegation fully accepted the contention in paragraph 7 of the International Law Commission's commentary to the article (see A/CONF.67/4) that the adoption of that proposal would encourage the development of such a procedure within the organization.

45. It was impossible to compare the problems involved in the settlement of disputes in bilateral relations with the quite different position in multilateral relations, in which there was the advantage, which could be turned to good account, of the existence of a third, impartial party in the shape of the organization. He would be prepared to reconsider his attitude to the proposed Swiss amendments if it took into consideration the concept of the role of the organization underlying the International Law Commission's draft.

The meeting rose at 1 p.m.

44th meeting

Thursday, 6 March 1975, at 3.30 p.m.

Chairman: Mr. NETTEL (Austria).

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 81 (Consultations between the sending State, the host State and the Organization) and *article 82* (Conciliation) (*concluded*) (A/CONF.67/4, A/CONF.67/C.1/L.145)

1. The CHAIRMAN summed up the situation following the consultations which had taken place on articles 81 and 82. Not only was the word “one” to be replaced by the word “two” in the first sentence of the English version of article 81 proposed by the Swiss delegation (A/CONF.67/C.1/L.145), but further, in the second sentence of that provision, the words “or the conference” should be added after the word “Organization”, as the Swiss delegation had agreed to the oral subamendment by the Malagasy delegation (43rd meeting). Paragraph 1 of article 82 had been the subject of an oral subamendment by the Turkish delegation (*ibid.*), which the Swiss delegation had taken into account in a new paragraph which would be inserted after paragraph 7 of its text. Consequently, the Turkish delegation did not press for its subamendment to be put to the vote. With regard to paragraph 3 of that

draft, the Swiss delegation had agreed to the Soviet subamendment (*ibid.*) that the chairman of the conciliation commission should be designated, not by the President of the International Court of Justice, but by the chief administrative officer of the organization. Paragraph 3 would read as follows:

“3. The third member of the Commission, who shall be its Chairman, shall be chosen by the other two members. If the other two members are unable to agree within one month from the notification referred to in paragraph 1 of this article or if one of the parties has not availed itself of its right to designate a member of the Commission, the Chairman shall be designated at the request of the most diligent party by the chief administrative officer of the Organization. The appointment shall be made within a period of one month. The chief administrative officer of the Organization shall appoint as the Chairman a qualified jurist who is neither an official of the Organization nor a national of any State party to the dispute.”

2. The Greek delegation's proposal (*ibid.*) that a time-limit should be set for the appointment was thus no longer pertinent. The Swiss delegation had also accepted the suggestion by the Netherlands delegation (42nd meeting) that the word “conclusions” in paragraph 7 should be replaced by the word “recommenda-