

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

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8th meeting of the Committee of the Whole

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the only manner consistent with its dignity as an independent member of the international community, namely, through representation in an organization by a mission enjoying all the necessary facilities to safeguard the dignity and interests of its sending State.

85. Those were the reasons why his delegation endorsed the International Law Commission's text of article 7. It could, however, accept the amendment proposed by the Spanish delegation, because the very fact of conducting negotiations supposed that those negotiations were necessary.

86. He requested the Expert Consultant to explain, from a much more legal point of view and from a point of view based on obvious and incontrovertible practice, the reasons which had led the Commission to prepare such a sound draft on the question he had just analysed.

87. Mr. ESSY (Ivory Coast) said that he fully en-

dorsed the statement made by the representative of the Holy See. He had listened with interest to the statement made by the representative of the United States of America. He realized that a distinction must be made between the functions of a permanent mission and those of a permanent observer mission but failed to understand how a permanent observer mission could be denied the capacity to represent its sending State. As to the United States amendment to subparagraph (c), he would be interested to know what was the role of, say, the Swiss mission to the United Nations if it could not negotiate with the organization on matters concerning Switzerland.

88. The CHAIRMAN said that amendments to articles 14 to 20 should be submitted by noon on the following day.

The meeting rose at 6 p.m.

8th meeting

Tuesday, 11 February 1975, at 10.45 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 7 (Functions of the permanent observer mission) (concluded) (A/CONF.67/4, A/CONF.67/C.1/L.5, L.22)

1. Mrs. THAKORE (India) emphasized the importance of article 7 in relation to the principle of universality in the activities of international organizations of universal character. Since permanent observer missions were established by non-member States, the International Law Commission (ILC) had rightly devoted a separate article to the functions of missions in that category. Among the said functions, it had mentioned those of representing the sending State, maintaining liaison with the organization, reporting to the sending State, and promoting co-operation with the organization. Although permanent observer missions could not be assimilated to permanent missions, they nevertheless performed a function of representation, as the ILC had pointed out in its commentary to article 7 (see A/CONF.67/4). Consequently, her delegation could not support the United States amendment (A/CONF.67/C.1/L.22). On the other hand, she supported the Spanish amendment (A/CONF.67/C.1/L.5), as it was a fact that permanent observer missions conducted negotiations with organizations.

2. Mr. AVAKOV (Union of Soviet Socialist Republics) said he approved of draft article 7. As permanent observer missions were established by non-member States, they necessarily performed different functions from those of the permanent missions of member States. It was therefore important to define their functions in a

separate provision. An observer did not have any functional links with the organization, he did not speak in the debates or participate in the voting, but he pursued certain clearly-defined aims.

3. His delegation could not approve of the United States amendment (A/CONF.67/C.1/L.22). The main function of an observer was of course to observe and to report to his Government, but the United States amendment would have the effect of unduly limiting the rights of observers. As the representative of the Holy See (7th meeting) had demonstrated, the Commission's article 7 was entirely satisfactory. His delegation did, however, support the Spanish amendment (A/CONF.67/C.1/L.5), for the same reason as that given by the Indian delegation.

4. Mr. CALLE Y CALLE (Peru) considered it logical that there should be a certain parallelism between articles 6 and 7, since it had been recognized, in article 5, that member States had the right to establish permanent missions, and non-member States to establish permanent observer missions. The methods of representation might differ in respect of one and the other, but in every case the missions represented sovereign States. As members of the international community, those States were entitled to participate in the activities of the international organizations, all the more so as those under consideration were organizations of universal character. Some States were full members, while others were only potential members.

5. The object of the Spanish amendment (A/CONF.67/C.1/L.5) was to abolish a restriction, made in subparagraph (c) of article 7, on the exercise of negotiating functions by the permanent observer missions. On the other hand, the amendment submitted by the United States delegation in the second part of document A/CONF.67/C.1/L.22 was aimed at securing the

sheer abolition of the negotiating function of permanent observer missions.

6. In the first part of that document, a new wording was proposed for subparagraph (a) of article 7, which made no mention of the representative character of the functions of the permanent observer mission.

7. However, it should be noted that, under the terms of article 1, paragraph 1, subparagraph 7 of the draft, the "permanent observer mission" was defined as being "a mission of permanent character, representing the State, sent to an international organization by a State not member of the Organization".

8. A permanent nature and a representative character were thus two properties of the permanent observer mission which were also possessed by the permanent mission and which, on that account, were mentioned in the draft article relating to the functions of the permanent mission. In the Sixth Committee of the General Assembly, some representatives had asserted that the permanent observer mission did not represent the sending State to the organization while others had maintained that it did not actively represent it.

9. In his opinion, it might be said that the permanent observer mission did not have a fully active character. At the same time it did not confine itself to passive observation. As the representative of the Holy See had pointed out, some countries participating in the Conference had, for some time, been represented at the United Nations by permanent observer missions. During that time, they had nevertheless performed useful activities. As the Expert Consultant had stated in his sixth report to the ILC,¹ the function of negotiation of the permanent observer mission flowed directly from the representative character of the mission; he had added that the function of representation was inherent in the very nature of a mission. For all those reasons, his delegation did not hesitate to recognize the representative character of the permanent observer mission. Consequently, it could not support the United States amendment (A/CONF.67/C.1/L.22). The chief function of the permanent observer mission was, of course, to observe but, in order to observe, it must have a representative character, from which the other functions it was called upon to perform derived.

10. Mr. EL-ERIAN (Expert Consultant), replying to a question raised at the previous meeting by the representative of the Holy See on the subject of paragraph 5 of the International Law Commission's commentary on draft article 7 (see A/CONF.67/4), said that, when the Commission had considered the advisability of dealing with permanent observer missions in the draft articles, two approaches had emerged: some members, who were influenced above all by the "historical" role of permanent observer missions, had thought that the institution of such missions was no longer vested with the same importance as when the question of membership in the United Nations of certain countries such as Austria, Italy and Japan had

caused so much difficulty. They had also referred to the speeding up of the process of decolonization and the growing recognition of the principle of universality in intentional organizations. However, the majority of members of the Commission had taken the view that the permanent observer mission was not of a transitory character. They had pointed out that, for historical reasons, some States, such as the Holy See and Switzerland, had felt unable to join political organizations, although they were members of technical organizations. Other, newly independent, States had not wished to become members of the United Nations on account of the burdens which that implied. Concurring in the opinion of the Secretary-General of the United Nations, those members of the Commission had thought it desirable to encourage States not wishing to become members of the United Nations to maintain relations with the Organization through permanent observer missions. That had been the attitude adopted by the majority of members on the question of the institution of permanent observer missions, and the process of codification and progressive development of international law might thus fill a vacuum in headquarters agreements.

11. Although the functions of a permanent observer mission could not be identical with those of a permanent mission, because it was established by a non-member State, the basic consideration in defining the status of the permanent observer mission should, in his view, be its permanent and representative character.

12. The ILC had noted that, in practice, the permanent observer mission exercised a function of negotiation but that that function was not of primary importance.

13. That function had therefore been mentioned, not in a separate subparagraph of article 7, as in the case of the permanent mission in article 6, but jointly with the other function which consisted in promoting co-operation with the organization. Those functions had their justification in article 2, paragraph 6, of the Charter of the United Nations which established a relation between the Organization and non-member States and under the terms of which "The Organization shall ensure that States which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security". Consequently, the ILC had considered that the functions of the permanent observer mission, which differed from those of the permanent mission, consisted mainly in representing the sending State, ascertaining the activities of the organization and promoting co-operation with the organization by negotiating with it, when required.

14. Mr. RITTER (Switzerland) said that his country was among the few States which had a permanent observer mission to the United Nations, and that the debate was therefore of the utmost importance for his delegation. The amendment which the United States delegation proposed should be made to article 7 (A/CONF.67/C.1/L.22) would have the effect of depriving the permanent observer mission of its representative character and of its capacity to negotiate with the organization. For a country like Switzerland, the adop-

¹ See *Yearbook of the International Law Commission, 1971*, vol. II, part one, document A/CN.4.241/Add.1-6, p. 93 (para. 11).

tion of so restrictive a definition of the functions of the permanent observer mission would have serious consequences. The wording of article 7 in the International Law Commission's text was the outcome of long consideration. At the first reading, the Commission's debates concerning the representative character of the permanent observer mission had centred on one term: should the mission be said to represent the sending State "à" ("at") "*auprès de*" ("with") the Organization? The Commission had opted for the proposition "à". When the text had been reconsidered at the second reading, the form of words "*dans les relations avec l'Organisation*" ("in relations with the Organization") had been adopted. That prudent approach should make representatives wary of changing the above-mentioned wording.

15. In its observations on the provisional draft, the Swiss Government had already expressed, on the subject of article 53 (subsequently article 5), its position on the question of the representative character of the permanent observer mission. His Government still thought that:

"Precisely because the sending State is not a member of the organization, the position of the mission is very similar to that of an embassy to a foreign Government. In the same way as an embassy represents the sending State in (*auprès*) the receiving State, the observer mission represents it in (*auprès*) the organization, and participation in the internal work of the organization, which is one of the fundamental tasks of a Member State's permanent mission, is, in principle, clearly impossible in the case of observers, just as of course there is no equivalent in international relations. Like the ambassador, the observer therefore ensures representation between two entities which are exterior to each other. Accordingly, it is not a Member State's permanent mission which should be equated with a diplomatic mission (while the observer is accorded a lower degree of competence) but rather the observer who should be equated with the embassy, since the permanent mission, which participates in the internal work of the organization, had an important extra degree of competence for which there is no analogy in inter-State relations."²

16. In accepting the French and Swiss amendment to article 6 (A/CONF.67/C.1/L.24), the Committee had endorsed one of the two aspects of that argument: participation in the activities of the organization, i.e. in its internal life, was a characteristic and exclusive activity of the permanent mission, which had no equivalent in the case of the permanent observer mission. The adoption of the amendment to article 6 submitted by the Federal Republic of Germany (A/CONF.67/C.1/L.17) had highlighted another function which belonged only to a member State and which consisted in promoting the realization of the purposes and principles of the Organization by co-operating with it and with other Permanent Missions.

² See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 10*, p. 134.

17. The second aspect of the Swiss Government's argument related to the representative character of the permanent observer mission. Unquestionably, Switzerland's permanent observer mission to the United Nations Headquarters played a role comparable to that of an important diplomatic mission. It was the channel through which Switzerland maintained relations with the Organization, exchanged information with it on a continuing basis and participated in its activities. It should be noted that, through the intermediary of its observer mission, the Swiss Government registered its treaties with the Secretariat, exercised its rights and discharged its obligations within the United Nations, particularly with regard to the election of judges at the International Court of Justice or to contributions to the budget of the United Nations Development Programme, the United Nations Children's Fund and the United Nations Industrial Development Organization, for example. The permanent observer of Switzerland sat with the representatives, negotiated in the Committee on Contributions and had his place in the governing councils of the specialized agencies to which his country belonged. In each case there was no doubt that he had a representative character. The permanent observer mission was therefore a mission which not only exercised the traditional functions of an embassy, but was also the instrument of a co-operation which did not exist between a sending State and a receiving State.

18. The Committee should beware of regarding the permanent observer mission as a mission which merely observed. Often, the designation of an institution ill described its function. Nor should Switzerland be regarded as constituting a very special case. There are reasons to think that the other States, non-members of the United Nations, would find themselves in a comparable situation. The statement by the head of delegation of the Holy See had shown that the latter's position was very similar to that of Switzerland.

19. The ILC had devoted great care and attention to the formulation of articles 6 and 7 of its draft. His delegation supported the wording of article 7 and would be willing to accept the Spanish amendment (A/CONF.67/C.1/L.5) if it were approved by the majority of members of the Commission. He wished to emphasize that any watering down of the International Law Commission's text would seriously compromise the position of permanent observer missions to the United Nations—a situation which nothing could justify. He reserved the right to revert to the question of the possible effects on article 7 of the adoption of the amendment to article 6.

20. Mr. RAOELINA (Madagascar) said he thought the United States amendment to subparagraph (c) of article 7 (A/CONF.67/C.1/L.22) would condemn permanent observer missions to a passive role and deprive them of their representative character. As for the Spanish amendment in document A/CONF.67/C.1/L.5, it seemed to serve no purpose, and his delegation would prefer to adhere to the perfectly balanced text of the ILC.

21. Mr. RACIĆ (Yugoslavia) pointed out that a permanent observer mission was established only when an

international organization deemed it necessary to maintain direct relations with a non-member State and when a non-member State wished to keep in touch with that organization. Hence, if the functions of representation and negotiation were excluded in accordance with the United States amendment (A/CONF.67/C.1/L.22), two of the main reasons put forward in favour of establishing a permanent observer mission would disappear. His delegation did not share the fears of some delegations that the fact of recognizing that representation was one of the functions of permanent observer missions would place member States and non-member States on an equal footing in their relations with the international organizations. He was therefore in favour of adopting article 7 as drafted by the ILC. He was also in favour of the Spanish amendment to subparagraph (c) of that article (A/CONF.67/C.1/L.5).

22. Mrs. SLAMOVA (Czechoslovakia) considered that article 7 must contain as its fundamental element the provision that permanent observers, like permanent representatives, were representatives of the States which appointed them and that observer missions were representative organs of the State in question. The differences existing in the other functions were expressed in sufficient clarity under subparagraphs (b) and (c) of article 7. The United States amendment annulled that fundamental aspect and restricted the functions of observers only to observing the activities of the international organizations and maintaining liaison with them. Her delegation could not accept that amendment to subparagraph (a). Nor could it approve of the amendment to subparagraph (c). On that subject, it shared the views expressed, in particular, by the delegation of the Holy See (7th meeting) and the Peruvian delegation, and it considered that negotiation was one of the essential functions of a permanent observer mission in the interests of the sending State and of the international organization. Her delegation was in favour of the International Law Commission's text and the Spanish amendment in document A/CONF.67/C.1/L.5, and it wished to emphasize once again the usefulness of co-operation between the international organizations and non-member States.

23. Mr. MOLINA LADAETA (Venezuela) welcomed the statements made by the delegation of the Holy See, the Expert Consultant and the Swiss delegation regarding the functions of the permanent observer missions, and said he was in favour of the International Law Commission's text. Nevertheless, his delegation considered that, regarded from a legal standpoint, the United States amendment (A/CONF.67/C.1/L.22) did not affect the substance of the Commission's text. Whether a permanent observer mission observed the activities of an organization or ensured the representation of a State, it none the less represented that State; it was impossible to distinguish clearly between the functions of observing and the functions of representation.

24. Moreover, in as far as the question of negotiations was concerned, tribute should be paid to Switzerland and the Holy See, for example, which, without being members of the United Nations, made a remarkable

contribution, as observers, to the life of the international community. That was why, bearing in mind the example of Switzerland and the Holy See, the possibility for permanent observer missions to conduct negotiations with the international organizations could not be excluded. Nevertheless, the Venezuelan delegation preferred the text prepared by the ILC to the amendment proposed by Spain (A/CONF.67/C.1/L.5).

25. The Venezuelan delegation begged the United States delegation to reconsider article 7 and possibly to withdraw its amendment, so as to avoid a vote which was not justified and to save time.

26. Mr. SMITH (United States of America) said he still thought that there was a very clear distinction from the legal standpoint between permanent missions and permanent observer missions, but in view of the fact that that distinction was not clear to all delegations, he announced that the United States delegation was withdrawing its amendment to article 7, subparagraph (c), contained in document A/CONF.67/C.1/L.22. In addition, it was amending its amendment to subparagraph (a), by adding at the end the words "and, as appropriate, representing the interests of the sending State in its relations with and within the Organization". He hoped in that way to meet the concerns expressed by the members of the Committee.

27. Mr. ESSY (Ivory Coast) pointed out that the aim pursued by international organizations consisted in developing co-operation between States, specially economic and social co-operation between the members of the international community. Consequently, the international organizations should not be deprived of the valuable assistance that might be afforded by non-member States towards the achievement of that objective. Although he reserved the right to study more closely the new amendments proposed by the United States delegation, for the time being he considered the text prepared by the ILC satisfactory.

28. Mrs. MIRANDA (Cuba) said that, even as amended, she thought the United States amendment to subparagraph (a), contained in document A/CONF.67/C.1/L.22, restricted the scope of the text of article 7. She reminded the Committee that the ILC had analysed at length the functions of permanent observer missions and that it had provided a clear idea of them when laying down certain differences between the functions of the permanent observer missions and those of the permanent missions. The convention should be prepared with a view to the progressive development of international law. If it adopted the amendment in document A/CONF.67/C.1/L.22, the Committee would not be complying with that principle. The Cuban delegation would therefore vote against the amendment in document A/CONF.67/C.1/L.22, as orally amended, and would vote for the Commission's text and the amendment of Spain (A/CONF.67/C.1/L.5).

29. Mr. MAN CHANG (Republic of Korea), recalling that several delegations had questioned the representative character of the permanent observer missions, basing themselves on the fact that there was no formal link between those missions and an international organization, said he agreed that the status of permanent

observer missions was different from that of permanent missions. He thought, however, that there should be no failure to take into account the current practice of the international organizations. The participation of non-member States in the activities of the international organizations had been spreading constantly in the economic, social and cultural spheres.

30. He was in favour of the International Law Commission's text.

31. Mr. SHELDON (Byelorussian Soviet Socialist Republic) observed that the prevailing idea seemed to be that the International Law Commission's text as a whole was a balanced text.

32. Referring to the cogent arguments put forward by several delegations, which had stressed, in particular, the role played by the observers in international organizations of a universal character, he pointed out that most of them had attached great importance to article 7, which should, moreover, be read in the context of the preceding articles. Although the Byelorussian delegation had been unable to study in depth the amendment which the United States delegation had made orally to its amendment in document A/CONF. 67/C.1/L.22, and which the Byelorussian delegation had heard only through the Russian interpretation, it intended to disregard the amendment, for it believed that permanent observer missions had a representational character. Furthermore, it considered that the words "representing the interests" were inappropriate, since representing interests was a function of a mission. His delegation considered the International Law Commission's text of article 7 excellent; it could not accept the United States amendment, as orally amended.

33. Sir Vincent EVANS (United Kingdom) pointed out that article 7 did not mention the essential function of a permanent observer mission, which consisted precisely of observing the activities of an organization. The merit of the United States amendment was that it filled that gap by explicitly mentioning the function of observing. However, in its original form, the United States amendment omitted another essential function of a permanent observer mission: representation of the sending State. The oral amendment to that amendment had rectified that omission by re-establishing the function of representation alongside the function of observing. He therefore considered that the United States amendment, as so amended, should obtain the support of the majority of the members of the Conference. He urged the Committee to adopt the amendment and to refer it to the Drafting Committee, which, on that basis, could work out a text acceptable to all.

34. Mr. MEISSNER (German Democratic Republic) said he thought that the revised United States amendment, despite the improvement made by the restoration of the representational function of the permanent observer mission, was still too restrictive. He was therefore unable to accept it, and preferred the initial draft prepared by the ILC. On the other hand, he was prepared to accept Spain's amendment to subparagraph (c).

35. Mr. DE YTURRIAGA (Spain) stressed the fundamental nature of article 7 and reminded the Committee that most of its members had been in favour of

applying the criterion of function in respect of the privileges and immunities guaranteed under the convention. Accordingly, article 7 should be clear and explicit, specifying without any ambiguity the functions of permanent observer missions.

36. He thanked the United States representative for having tried to bring his position closer to that of the majority of members of the Committee, but thought that the United States proposal still lacked precision and contained some ambiguities. The words "as appropriate" contained in the revised amendment, could give rise to differences of interpretation. The functions of permanent observer missions should be clearly defined and it should be stated plainly whether they had or had not a representational function. Likewise, as the Byelorussian representative had said, the wording "representing the interests of the sending State" was inaccurate, since a permanent mission represented not the interests of the sending State, but the sending State itself. Accordingly, he preferred the text of subparagraphs (a) and (b) prepared by the ILC.

37. The amendment submitted by Spain to subparagraph (c) was a minor one, which did not affect the substance of the article and which only aimed at removing all ambiguity. The amendment was not calculated, as some had said, to place permanent missions and permanent observer missions on an equal footing, since their functions remained different: permanent observer missions were limited to negotiating with an organization, whereas permanent missions could also negotiate, within the organization, with States.

38. Mr. CALLE Y CALLE (Peru) said that the discussion was establishing the principle of the representativity of permanent observer missions to international organizations. In his view, there were two possible courses: to vote on the amendments to article 7 or to refer the article and the relevant amendments to the Drafting Committee with instructions to find a satisfactory wording to include the function of observing without, however, excluding the representational function of permanent observer missions. He thought that if the International Law Commission's text were amended, the amendment should not relate to subparagraph (a), but to subparagraph (b): the words "ascertaining activities" might be replaced by "observing activities". It would be indicated that the basic functions of the permanent observer mission were representation of the sending State and observation of the activities of the organization. It was, in fact, the function of observing that distinguished the permanent observer missions from the permanent missions, the former confining themselves to observing the activities of the organizations, whereas the latter took part in them.

39. Mr. UNGERER (Federal Republic of Germany) said he thought the Drafting Committee should try to redraft article 7 so as to satisfy all the parties concerned, as the representative of Peru had suggested. The International Law Commission's text and the United States amendment appeared equally acceptable to him. The discussion had clearly shown that a permanent observer mission had three functions: (a) observing the

organization's activities and reporting thereon to the Government of the sending State; (b) representing the sending State and maintaining liaison with the organization; (c) promoting co-operation with the organization and negotiating with it. The Drafting Committee should attempt to reconcile those three aspects in the text of the article.

40. Mr. RITTER (Switzerland) said that the discussion had produced no valid reason for discarding the International Law Commission's text, with the exception of Spain's amendment. He thanked those delegations which had supported that text, to which he would himself remain faithful. The United Kingdom representative's criticism of the Commission's text did not seem to him to be justified, since the function of observing was clearly expounded in subparagraph (b), in the wording "ascertaining activities in the Organization and reporting thereon to the Government of the sending State". The ILC had defined the function of observing completely in that wording.

41. Mr. DO NASCIMENTO E SILVA (Brazil) said that the United Kingdom proposal to refer the revised United States amendment to the Drafting Committee would mean that the Committee of the Whole tacitly accepted the amendment, whereas a large majority of its members had said they were in favour of the International Law Commission's text. As the Swiss representative had remarked, the function of observing was already mentioned in subparagraph (b) of the article. Consequently, he was in favour of keeping the original text with the amendment submitted by Spain, and proposed that the two amendments should be put to the vote.

42. Mr. TANKOUA (United Republic of Cameroon) said that the Expert Consultant's explanations and the statements of the observers for the Holy See and Switzerland had convinced him of the superiority of the International Law Commission's text over the other texts proposed. To solve the question raised by the Spanish amendment, he proposed that the words "when required" should be placed at the beginning of subparagraph (c), so that they related to the whole subparagraph.

43. Mr. ROVIDA (Holy See) said he still thought that the International Law Commission's text was excellent and that the Drafting Committee, far from improving it, would do nothing but introduce an unfortunate confusion into it. Consequently, he continued to support the Commission's text.

44. Mr. MAAS GEESTERANUS (Netherlands) said that there seemed to be a conflict between the interests of the host State and those of the sending State. He thought, therefore, that the Committee should first vote on the United States amendment and then request the Drafting Committee to attempt to solve the conflict, taking the two positions into account.

45. Mr. RICHARDS (Liberia) moved the closure of the debate.

46. The CHAIRMAN declared the debate closed and invited the Committee to vote on the amendments to article 7.

47. Mr. RITTER (Switzerland) said he thought that, before voting on article 7, the Committee should first study the possible implications for that article of the adoption of the Spanish amendment to article 6 (A/CONF.67/C.1/L.4) concerning the protection of the interests of the sending State in relation to the organization. The adoption of that amendment had, in fact, created a new situation with regard to the permanent missions, and it should be borne in mind in connexion with article 7.

48. The CHAIRMAN said that the Drafting Committee would take the Swiss representative's observation into account.

49. He invited the Committee to vote in turn on the United States amendment to article 7, subparagraph (a) (A/CONF.67/C.1/L.22), as orally amended, and on the amendment of Spain to article 7, subparagraph (c) (A/CONF.67/C.1/L.5).

The United States amendment (A/CONF.67/C.1/L.22), as orally amended, was rejected by 37 votes to 13, with 13 abstentions.

The amendment of Spain (A/CONF.67/C.1/L.5) was adopted by 29 votes to 12, with 23 abstentions.

50. The CHAIRMAN invited the Committee to vote on article 7 as a whole, as amended.

Article 7 as a whole, as amended, was adopted by 60 votes to none, with 5 abstentions.

Organization of work

51. The CHAIRMAN read out a note on the schedule of work of the Conference, submitted to him by the Secretariat. It was recalled, in that note, that the last four days of the Conference (11 to 14 March) should be reserved for the plenary. The Committee of the Whole should therefore complete its work during the period 10 February to 10 March, i.e. in 42 meetings, at the rate of two meetings every working day. Four of those meetings would probably have to be devoted to the consideration of the reports of the Drafting Committee. That consideration should not be unduly delayed, since when the Committee of the Whole took up Part III of the draft articles (Delegations to organs and to conferences), it would certainly wish to have before it the text of the corresponding provisions previously adopted by it for Part II (Missions to international organizations). It would also require to have before it the texts adopted for Part III of the draft when it took up consideration of the annex (Observer delegations to organs and to conferences). The Committee had also to adopt a text for the final clauses. One meeting should suffice for that purpose if it referred all the proposals relating to the final clauses directly to the Drafting Committee without prior consideration.

52. With regard to the preamble and the title of the convention, the Drafting Committee could be requested to take up the matter in the first instance and to report directly to the plenary, in accordance with the procedure followed by the Conference on the Law of Treaties.

53. In the light of the above considerations and since

the Committee had already adopted 6 articles out of a total of 106, it would have at its disposal 34 meetings to complete the first reading of 100 articles, which represented an average of three articles per meeting. The Secretariat accordingly suggested the following schedule of work for the Committee:

From 10 to 14 February: adoption of articles 5 to 31 at first reading and adoption of articles 2 to 28 on the report of the Drafting Committee.

From 17 to 21 February: adoption of articles 32 to 57 at first reading and adoption of articles 29 to 54 on the report of the Drafting Committee.

From 24 to 28 February: adoption of articles 58 to 82 and article 1 at first reading, and adoption of articles 55 to 80 on the report of the Drafting Committee.

From 3 to 7 March: adoption of articles A to X at first reading and adoption of articles 81, 82, 1 and A to T on the report of the Drafting Committee.

10 March: adoption of articles T to X and the final clauses on the report of the Drafting Committee and adoption of the report of the Committee of the Whole.

54. Mr. MOLINA LANDAETA (Venezuela) proposed, to avoid night meetings, that the length of speeches should be limited.

55. The CHAIRMAN said he thought it was too early to impose a time-limit on the length of speeches, but he urged members of the Committee to reduce the length of their statements as much as possible.

The meeting rose at 1 p.m.

9th meeting

Tuesday, 11 February 1975, at 3.15 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 8 (Multiple accreditation or appointment)
(A/CONF.67/4, A/CONF.67/C.1/L.25)

1. Mr. RITTER (Switzerland) said that his delegation's amendment—to delete article 8 (A/CONF.67/C.1/L.25)—must have caused some surprise, but it reflected his delegation's concern, which stemmed from the particular situation in Geneva. Currently, there were in Geneva approximately 100 permanent missions accredited to the Office, six specialized agencies and three other organizations of universal character coming within the framework of the future convention. As a result of the spirit of understanding prevailing between the Office, the sending States and the host State, a particular practice had been evolved at Geneva whereby the persons accredited to the various organizations by a sending State were all under the responsibility of a head of mission who acted as head of mission to ten organizations. Had such a practice not been evolved, the diplomatic corps at Geneva would have reached unmanageable proportions and there might currently be 1,400 heads of mission in Geneva. Article 8 (see A/CONF.67/4) included one provision which his delegation deemed positive, namely, the first part of paragraph 1. The rest of the article started from the assumption that there would be a plurality of missions. In a certain sense, therefore, it encouraged the multiplication of missions. Hitherto, the European Office had discouraged sending States from multiplying their missions. As drafted, article 8 would deprive the Office of a good argument in that regard. It should be noted that existing practice in no way prevented a division of work

between the members of a mission, one member dealing with the work of the International Labour Organization (ILO), another with that of the World Health Organization (WHO), and so on. There were, indeed, missions in which several persons held the rank of ambassador, but they were all under the responsibility of one head of mission. The discontinuance of that practice would complicate administrative procedures. It would be seen, therefore, that his delegation did not want to change anything; all it wanted was that a practice which had proved satisfactory for Switzerland should be maintained.

2. The CHAIRMAN, in reply to a question from Mr. RICHARDS (Liberia), said that the Swiss proposal could be considered an amendment under rule 41 of the rules of procedure because it deleted from the basic proposal before the Conference, namely the draft articles adopted by the International Law Commission (ILC).

3. Mr. SMITH (United States of America) observed that article 8 was modelled on article 5 of the Vienna Convention on Diplomatic Relations.¹ There was, however, a significant difference between the two articles, in that article 8 did not provide for the right of the host State to object to multiple accreditation. In view of the substance of paragraph 3 of the International Law Commission's commentary on article 8 (see A/CONF.67/4), his delegation did not object to omission of that provision, although it reserved the right to raise the question of host State agreement with reference to later articles. However, in the light of the explanation given by the representative of Switzerland, his delegation could support the proposal for deletion of article 8.

4. Mr. CALLE Y CALLE (Peru) said that the provisions of article 8 differed from those of the

¹ United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.