

UNITED NATIONS

GENERAL  
ASSEMBLY



Distr.  
LIMITED

A/CN.4/L.150/Add.1  
2 June 1970

ENGLISH  
Original: ENGLISH/FRENCH/SPANISH



INTERNATIONAL LAW COMMISSION  
Twenty-second session  
4 May - 10 July 1970

Articles 54 bis, 54 ter, 55, 56, 57  
57 bis, 58 and 59

Relations between States and international organizations

DRAFT ARTICLES ON REPRESENTATIVES OF STATES TO  
INTERNATIONAL ORGANIZATIONS

Part III - Permanent observer missions to international  
organizations

Text of articles 54 bis, 54 ter, 55, 56, 57, 57 bis  
58 and 59 adopted by the Drafting Committee

GE.70-11007

40

Article 54 bis

Credentials of the permanent observer

1. The credentials of the permanent observer shall be issued either by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or by another competent minister if that is allowed by the practice followed in the Organization, and shall be transmitted to the competent organ of the Organization.
2. A non-member State may specify in the credentials submitted in accordance with paragraph 1 of this article that its permanent observer shall represent it as an observer in one or more organs of the Organization when such representation is permitted.

Article 54 ter

Full powers to represent the State in the  
conclusion of treaties

1. A permanent observer in virtue of his functions and without having to produce full powers is considered as representing his State for the purpose of adopting the text of a treaty between that State and the international organization to which he is accredited.
2. A permanent observer is not considered in virtue of his functions as representing his State for the purpose of signing a treaty (whether in full or ad referendum) between that State and the international organization to which he is accredited unless it appears from the circumstances that the intention of the Parties was to dispense with full powers.]

Article 55

Composition of the permanent observer mission

1. In addition to the permanent observer, a permanent observer mission may include members of the diplomatic staff, the administrative and technical staff and the service staff.
2. When members of a permanent diplomatic mission, a consular post or a permanent mission in the host State are included in a permanent observer mission, they shall retain their privileges and immunities as members of their diplomatic mission, consular post or permanent mission in addition to the privileges and immunities accorded by the present articles.

Article 56

Size of the permanent observer mission

The size of the permanent observer mission shall not exceed what is reasonable and normal, having regard to the functions of the Organization, the needs of the particular mission and the circumstances and conditions in the host State.

Article 57

Notifications

1. The sending State shall notify the Organization of:

(a) The appointment of the members of the permanent observer mission, their position, title and order of precedence, their arrival and final departure or the termination of their functions with the permanent observer mission;

(b) The arrival and final departure of a person belonging to the family of a member of the permanent observer mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the permanent observer mission;

(c) The arrival and final departure of persons employed on the private staff of members of the permanent observer mission and the fact that they are leaving that employment;

(d) The engagement and discharge of persons resident in the host State as members of the permanent observer mission or persons employed on the private staff entitled to privileges and immunities.

2. Whenever possible, prior notification of arrival and final departure shall also be given.

3. The Organization shall transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

Article 57 (bis)

Chargé d'affaires ad interim

If the post of permanent observer is vacant, or if the permanent observer is unable to perform his functions, a chargé d'affaires ad interim shall act as head of the permanent observer mission. The name of the chargé d'affaires ad interim shall be notified to the Organization either by the permanent observer or, in case he is unable to do so, by the sending State.

Article 58

Offices of permanent observer missions

1. The sending State may not, without the prior consent of the host State, establish offices of the permanent observer mission in localities other than that in which the seat or an office of the Organization is established.
2. The sending State may not establish offices of the permanent observer mission in the territory of a State other than the host State, except with the prior consent of such a State.

Article 59

Use of flag and emblem

1. The permanent observer mission shall have the right to use the flag and emblem of the sending State on its premises.
2. In the exercise of the right accorded by this article, regard shall be had to the laws, regulations and usages of the host State.