

Document:-
A/CN.4/SR.1054

Summary record of the 1054th meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1970, vol. I

*Downloaded from the web site of the International Law Commission
(<http://www.un.org/law/ilc/index.htm>)*

for privileges and immunities. In the case of other conferences, such as conferences of Heads of State or technical conferences, it was impossible to provide for a uniform régime.

42. He supported Mr. Castrén's proposal that the words "charged with the duty" should be replaced by "authorized" in sub-paragraph (a). In sub-paragraph (b) the words "relations between the States" should be replaced by words with a broader meaning, since the subject-matter of treaties was not confined to those relations. Lastly, the Special Rapporteur should take into consideration, at least in the commentary, the special, though rare, situation in which a State was not wholly free to appoint its representative, as in the case of the World Meteorological Organization, for example, where representatives were required to be specialists responsible for the meteorological services of their countries, and in that of the International Union of Official Travel Organizations, which had a similar requirement.

43. Mr. RUDA said that in his opinion the Commission should conclude consideration of the draft articles as a whole before taking any final decision on the question of delegations to conferences convened by international organizations. The discussion had only increased his misgivings about the desirability of dealing with that question in the draft articles, and he would have to reserve his position until a later stage.

44. He agreed with the criticisms made of the definition of a "conference" in article 0, sub-paragraph (b) and suggested that it might be improved by taking as a basis Sir Ernest Satow's definition, quoted in paragraph (2) of the commentary, which was more comprehensive.

45. He questioned the definition of a "delegation" given in sub-paragraph (a); there appeared to be some contradiction between that sub-paragraph and the provisions of article 62, which referred not only to representatives, but also to administrative, technical and service staff.

46. Another point which caused him some concern was that there was no mention of a problem similar to that contemplated in article 9, paragraph 2, of the Convention on Special Missions,¹⁴ that was to say, the problem of the privileges and immunities of members of a permanent diplomatic mission or consular post who served on a delegation to an organ of an international organization or to a conference convened by such an organization. He thought that that important, practical, everyday problem, which had been appropriately dealt with in the article on the composition of the special mission, should also be dealt with in article 62 of the present draft, on the composition of the delegation.

The meeting rose at 12.55 p.m.

¹⁴ See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 30*, p. 100.

1054th MEETING

Friday, 22 May 1970, at 10.10 a.m.

Chairman: Mr. Taslim O. ELIAS

Present: Mr. Ago, Mr. Albónico, Mr. Bartoš, Mr. Bedjaoui, Mr. Castañeda, Mr. Castrén, Mr. El-Erian, Mr. Eustathiades, Mr. Kearney, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Rosenne, Mr. Ruda, Mr. Tammes, Mr. Ushakov, Mr. Ustor, Sir Humphrey Wal-dock, Mr. Yasseen.

Letter from the President of the Security Council

1. The CHAIRMAN said he had received the following letter, dated 14 May 1970, from the President of the Security Council:

"I have the honour to transmit to you herewith a copy of document S/9789 which reproduces the text of a letter addressed to me by the Netherlands representative to the United Nations on 5 May concerning the problem of the protection and inviolability of diplomatic agents.

"In the fourth paragraph of that letter, the Netherlands Government requests me to inform not only the members of the Security Council, but also appropriate organs of the United Nations, of its concern at recent infringements of the inviolability of diplomatic agents.

"To meet that request, I have decided to transmit the text of the letter to the President of the International Court of Justice and to the Chairman of the International Law Commission for such purposes as may be desirable.

"Accept, Sir, etc.

Jacques KOSCIUSKO-MORIZET
President of the Security Council"

2. The letter of 5 May 1970 reproduced in document S/9789 read as follows:

"Upon instructions from my Government, I have the honour to bring the following to your attention in relation to the protection and inviolability of diplomatic agents.

"The Government of the Netherlands wishes to recall that from ancient times peoples of all nations have recognized the status of diplomatic agents. Their immunity and inviolability have clearly been established by time-honoured rules of international law.

"The increasing number of attacks on diplomats which have inflicted great danger and hardship and have, in some cases, resulted in loss of life, is a cause of alarm to the Netherlands Government. My Government is of the opinion that such incidents may endanger the conduct of friendly relations between States, and that attacks on the person, the freedom or dignity of diplomats could lead to situations which might give rise to a dispute and as such even could

endanger the maintenance of international peace and security.

"In view of these considerations, the Netherlands Government deems it proper to draw attention to the question raised above and expresses the hope that Your Excellency will inform members of the Security Council, as well as appropriate organs of the United Nations, of the existing preoccupations.

"I kindly request Your Excellency that my letter be circulated as an official document of the Security Council.

"Please accept, etc.

R. FACK
Permanent Representative
of the Kingdom of the Netherlands
to the United Nations"

Relations between States and international organizations

(A/CN.4/221 and Add.1; A/CN.4/227 and Add.1)

[Item 2 of the agenda]

(resumed from the previous meeting)

ARTICLE 0 (Use of terms) and

ARTICLE 62 (Composition of the delegation) (*continued*)

3. The CHAIRMAN invited the Commission to resume consideration of articles 0 and 62 in the Special Rapporteur's fifth report (A/CN.4/227/Add.1).

4. Sir Humphrey WALDOCK said he was concerned about what exactly the Commission was trying to accomplish in articles 0 and 62. At a previous meeting, Mr. Ago had suggested that the Commission appeared to be concentrating on organizations of a universal character; most of those organizations, however, like the United Nations, had already developed a considerable body of practice and were less in need of the guidance of a general code than ordinary international organizations and conferences. In the case of conferences, there was generally a set of rules regarding privileges and immunities to which reference could be made; moreover, when conferences were convened by universal organizations, the question of the sovereignty of the conference was of limited significance, since it was unlikely that the question of privileges and immunities would not have been the subject of some prior consultations between the host State and the organization. What the commission should be concerned with, therefore, was primarily those cases in which no agreement on privileges and immunities had been arrived at and it was necessary to appeal to some generally accepted set of principles for the settlement of disputes. The Commission should not attempt to regulate every kind of special case, or deal with every category of participants in conferences, since that would lead to too many complications. It should, instead, try to produce as comprehensive a code as possible along the lines suggested by the Special Rapporteur in his excellent report. The question of the sovereignty of conferences might present difficulties in certain cases, but in general that question would be covered by a

reservation on the lines of that contained in article 9, paragraph 2, of the Vienna Convention on the Law of Treaties,¹ concerning the adoption of the text.

5. As to the drafting, he questioned the use of the expressions "a delegation is" and "a conference is" in article 0; in his opinion, the verb "is" should be replaced by the verb "means", which was used consistently throughout article 2 of the Vienna Convention on the Law of Treaties. The same change should be made in article 1 of the draft.

6. Mr. RAMANGASOAVINA said that the Special Rapporteur was greatly to be commended for having prepared articles which were very difficult to draft owing to the complexity of their subject-matter. The difficulties were obvious. Sir Humphrey Waldock had mentioned the risks involved in extending the régime of diplomatic privileges and immunities to the delegations in question; moreover, although the Commission was clear about the status and the protection to be accorded to delegations to the principal organs of international organizations and to delegations to specialized agencies, it had yet to define the status of a category of delegations which were very numerous and might be described as "floating delegations", since they were sent by States to certain meetings only. In that connexion, it had been pointed out that the members of those delegations were not always representatives of governments and could be experts in the service of the United Nations, like the members of the International Law Commission, for example. But many of them occupied posts in their countries' civil services, and it could therefore be said that they were on mission, in the internal law sense, when they absented themselves to attend meetings of the organs of which they were members, and that as officials of a country on mission, they should enjoy certain safeguards to enable them to discharge their duties. Article 0 and the succeeding articles therefore appropriately supplemented article 1 of the draft² by covering that category of delegation.

7. He had no objection to the substance of article 0, but its drafting could be improved. If the word "mission" was interpreted as he had just indicated, and not as meaning an institution, sub-paragraph (a) would be more appropriately worded if it read: "A 'delegation' means a mission of a temporary character consisting of one or more persons charged with the duty of representing a State in an organ of an international organization or at a conference". In article 62, any overlapping with article 0, sub-paragraph (a), could be avoided by simply saying in paragraph 1: "The sending State may appoint a head from among the representatives serving on the delegation to an organ of an international organization or to a conference convened by an international organization".

8. Mr. USHAKOV said that the Commission would

¹ *United Nations Conference on the Law of Treaties, Official Records, Documents of the Conference, document A/CONF.39/27* (United Nations publication, Sales No.: E.70.V.5).

² See *Yearbook of the International Law Commission, 1968, vol. II, p. 196.*

be unable to make much progress in its work until it had clearly defined the meaning of the terms used in the draft articles; for the substance and form of the succeeding articles depended on what was decided with regard to article 0, in particular on what was to be understood by the word "delegation". As used in article 0, sub-paragraph (a), the word applied to both delegations to an organ and delegations to a conference. But the two situations involved were very different and there might be serious difficulties if they were dealt with in one provision. It was virtually impossible to find a single formula which stated clearly and explicitly that the persons forming the delegation were charged by a State member of an organ or a State participating in a conference with the duty of representing that member State or participating State in the organ or at the conference, according to whether the delegation concerned was sent to an organ or to a conference. It would therefore be far better either to divide the draft into two parts, one dealing with delegations to organs and the other with delegations to conferences, or to draft two separate articles.

9. With regard to the substance, it was fairly easy to define the word "delegation" in the case of delegations to international conferences. For example, taking article 1 of the Convention on Special Missions³ as a basis, it could be said that a "delegation" meant a delegation representing a State, which was sent by the State to the conference in question. The word "State" could then be defined by saying that it meant a State participating, or invited to participate, in the Conference; after that the word "conference" would be defined. Then would follow the article on the composition of the delegation, and there would be no objection to saying that it consisted of delegates, from among whom the State could appoint a head, and of advisers and administrative and office staff.

10. Difficulties arose when the composition of a delegation to an organ of an international organization had to be defined. If the Special Rapporteur's proposal were followed, it could be said that a "delegation" meant, in the case in point, one or more delegates charged by a State member of an organization with the duty of representing it in an organ of the organization of which it was a member. But delegates were not always "charged" with the duty of representing the State; they might be authorized or appointed to do so. Moreover, it was not always the State which made the decision, because delegates could be either appointed by the secretary-general of the organization on the authorization of its general assembly, or elected. Again, delegates did not always represent the State: there were organs whose members were experts acting in a personal capacity. The great difficulty of defining a delegation to an organ was thus readily apparent.

11. But then, what was meant by the term "organ"? It was not enough to say that it meant the principal, regular, ordinary or subsidiary organ of the organization in

question, because the status of the delegates to the organ also depended on its composition—whether it consisted of representatives of States, representatives of other bodies, or individuals acting in a personal capacity. First of all, therefore, the Commission must decide what organs it was referring to; and before going on to the succeeding articles, it must also decide whether the same privileges and immunities should be granted to members acting in a personal capacity as to representatives of States, or whether they should be dealt with separately. His own view was that it would be better to define the different delegations and organs separately, even if it took several articles. As far as delegations to conferences were concerned, it could be stated that the legal situation and the privileges and immunities differed according to whether the conference was or was not convened by an international organization.

12. Mr. ALBÓNICO said it was his impression that the Commission was giving too much attention to questions of secondary importance and losing sight of the main issue. Essentially, the draft articles dealt with the relations between States and international organizations; the question to be considered was what persons or group of persons acted as links or intermediaries between them. In his view, those relations could be said to be maintained through seven categories of persons: permanent missions; heads of missions; permanent representatives to organs of an international organization; delegations to meetings of such organs; permanent observers from non-member States; delegations to certain organs and conferences; experts, whether governmental or not, sent to meetings of the main or subsidiary bodies of organizations. He suggested that the Commission should first deal with the over-all problem of relations between States and international organizations by laying down general rules, and then lay down specific rules to govern special cases. In any event, it should first agree on some general method of approach, since otherwise it would become involved in matters of purely academic interest that were best relegated to the commentary.

13. Mr. AGO said that, while he agreed that the Commission should press on with its work, care should nevertheless be taken to ensure that the draft articles did not become a source of difficulties in the future. Many problems arose and they could not be solved by reference to the relevant rules of the organization; otherwise the articles in Part IV of the draft would be quite unnecessary. Like Mr. Ushakov, he did not believe the Commission would be able to work out a single formula for all cases that would be sufficiently clear.

14. The word "delegation", in article 0, was appropriate in that context so long as it was used to designate representatives of States, not just to any organ, but to the plenary organ of an organization; they were not permanent delegations, but *ad hoc* delegations appointed each time a meeting took place. It was true that delegations to the International Labour Conference comprised two government representatives, one trade union representative and one employers' association representative, but all four were State delegates. In the case of smaller organs, on the other hand, the term used was never

³ See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 30*, pp. 99-100.

“delegations”, but “representatives”, and they were usually permanent. A State might appoint as its representative in such an organ the person who was head of its permanent mission to the organization, but then the two functions were combined quite incidentally and still remained distinct. The representatives of a State in an organ must also be distinguished, in some cases, from members of the organ who were appointed in a personal capacity—as he himself had been appointed to the UNESCO Executive Board—and were not government representatives. That was the position, for example, in the Governing Body of the ILO. Consequently, if a single formula was to be used, it would be necessary to take careful account of all the distinctions and their incidence on the text to be adopted.

15. Mr. BARTOŠ said that in the present state of international law, the status granted to some delegations to certain kinds of conference raised serious problems. He referred in particular to humanitarian and scientific conferences convened both by an international organization and by other organizations which were not intergovernmental organizations, for example, the conferences convened by the Office of the United Nations High Commissioner for Refugees, or the International Narcotics Control Board, jointly with non-governmental organizations. The status of meetings of experts thus convened in the territory of a sovereign State, for example in Italy at the Villa Serbelloni, which the Rockefeller Foundation made available for such conferences, was not defined. Some held that those meetings were United Nations conferences, others disagreed; but it seemed that such meetings did not enjoy immunity, for the Chairman sometimes warned participants against verbal offences against the host State.

16. There was yet another kind of conference, called the “diplomatic” conferences of the Red Cross, attended by representatives of the national Red Cross societies and representatives of States which had ratified the Geneva Conventions. As far as privileges and immunities were concerned, the status of the former representatives was undefined; the latter should enjoy diplomatic privileges and immunities as representatives of States, but what was the position of representatives of States which were not recognized by the host State or whose government had no diplomatic relations with the government of the host State?

17. Lastly, there was the question of the immunity of expert members of working groups set up to study a specific question, who were either directly appointed by an international organization, or chosen by States or designated by a non-governmental organization having consultative status in category I or II. Those working groups sometimes also included representatives of the intergovernmental organization itself. The question arose whether such an expert could be prosecuted in his country's courts for having expressed an opinion contrary to its vital economic interests, for example.

18. All those questions arose increasingly often in contemporary international law. They were perhaps not yet ripe for settlement by rules having the character of codification, but they should at least be mentioned in the

commentary to show that the Commission was aware of them and was asking States for their opinions.

19. Mr. KEARNEY said that four main questions had arisen during the discussion. The first was whether the Commission should deal at all with the problem of attendance at meetings of organs of an organization and at conferences convened by an organization. In his view, that was a matter which the Commission should deal with, because, if it were not examined in connexion with the present topic, it was not likely to be taken up for many years.

20. The second question was whether the Commission should concern itself with organizations other than those of a universal character. He himself would have preferred it to do so, but the Commission had decided to confine itself to organizations of a universal character.

21. The third question was whether a distinction should be drawn between attendance at meetings of the organs of an organization and attendance at conferences. It seemed to him that the answer should be in the affirmative. The discussion had clearly shown that there was a fundamental difference between the two types of meeting; in particular, a conference was always attended by representatives of States, and that was not always true of meetings of international organs. A number of examples had been given, including that of the Commission itself. He considered that the Commission should deal with such bodies in connexion with the present topic.

22. The fourth question was whether rules should be laid down in the draft articles on the composition of delegations and on the qualifications of persons attending conferences and meetings of organs. As far as meetings of organs were concerned, there were great differences between the organs of the various international organizations, and the matter should therefore be left to the rules and practices of the organization concerned. The position with regard to conferences was different, however, since each conference was convened for a particular purpose. It would therefore be advisable to include residuary rules on the subject of delegations to conferences convened by international organizations.

23. Lastly, there was the less important question whether a distinction should be drawn between persons who attended meetings of organs as representatives of States and those who attended in another capacity. Because of the great variation in the practice of organs of organizations, he did not believe it was advisable to draw that distinction. The essential consideration was the function performed by participants at meetings, not whether they technically represented States. The matter should therefore be approached from the functional point of view and the Commission should concern itself with the privileges and immunities of the persons concerned rather than with their status.

24. Consequently, a distinction should be made between participation in conferences and participation in the meetings of organs. The first case could be covered by a sub-paragraph which might read: “A delegation means a person or group of persons who represent a State at a

conference convened by an international organization of a universal character". The second case could be covered by a paragraph defining the term "members" as meaning persons who participated in meetings of organs or subsidiary bodies of an international organization of a universal character under the statute of the organization concerned, other than employees of the organization.

25. Mr. RAMANGASOAVINA observed, in connexion with Mr. Ago's remarks, that so far as his country was concerned, the employers' and workers' delegates to the International Labour Conference were appointed by the Government, after nomination or election by their unions or associations, so that in fact they did represent the State; moreover, paragraph (3) of the commentary to article 62 showed that employers' and workers' delegates to the International Labour Conference were assimilated to representatives of member States in respect of privileges and immunities. Hence they did not seem to raise any special problem, and it would be sufficient to emphasize the special character of representatives to the ILO in the commentary.

26. The Commission had recognized the need to include provisions concerning representatives of States to international conferences and to organs of international organizations, but he thought that two limitations should be placed on the rules laid down. One concerned the organs to which they would apply: the application of the articles should be restricted to organs of a universal character, though admittedly it would sometimes be difficult to put that limitation into effect, as the number of organs was very large. The other limitation concerned privileges and immunities. The concept of an international organization should certainly be rather broad, as that would increase the draft's prospects of success; on the other hand, the Commission should be extremely cautious about granting privileges and immunities. They were accorded to ensure the protection of the persons enjoying them, but those persons must not abuse them; hence privileges and immunities should be granted only to the extent necessary for the performance of functions.

27. Mr. YASSEEN said he recognized that the term "delegation" might be rather hard to define. He believed, however, that all the members of the Commission were agreed upon the substance: it mattered little whether a person was taking part in the work of an organ of an international organization in an individual capacity or as the representative of a State; in both cases he should enjoy the same privileges and immunities, because he was performing an international function and it was the theory of functional necessity that provided the ground on which privileges and immunities were accorded to him. It was really a problem of drafting. He was therefore in favour of broadening the definition to include members of organs of international organizations who did not represent a State. The definition could thus cover the workers' and employers' representatives in the Governing Body of the ILO, who could not be regarded as representing States.

28. Mr. EUSTATHIADES said that article 0 was of great importance, since the definitions would affect the

field of application of the subsequent articles. The field of application was shown by the title of Part IV of the draft and the two definitions in article 0 were fully in conformity with that title. There were, however, some special cases which, in those circumstances, would not be covered by the draft articles, but which were of considerable importance. Some of them had been mentioned by Mr. Ushakov, Mr. Ago and Mr. Bartoš. He himself wished to refer to three cases, the first two of which involved persons who were not delegates or representatives of States. Those cases were: persons who attended organs of international organizations in an individual capacity; members of commissions of inquiry and conciliation; and delegations to certain conferences which were not covered by the existing text.

29. With regard to the first class of persons, if it was necessary to accord privileges and immunities to representatives of States, it seemed to him even more necessary to accord them to persons who, though acting in an individual capacity, performed functions of international importance within international organizations, unless it was expressly stated in the commentary that it had been decided, without prejudice to their situation, not to deal with it. The second class of persons might not represent a State, and might be chosen for their particular qualifications or for other reasons; they might be covered by the method suggested by Mr. Kearney. Lastly, with regard to the third class of persons to whom he had referred, he was not sure whether delegations to international conferences not convened by international organizations, but having a universal character, would fall within the scope of the draft articles. If they did not, it would be logical to add at the end of article 0, subparagraph (a) the words "convened by such an organization".

30. With regard to sub-paragraph (b), defining the term "conference", there were international conferences attended by representatives of States whose purpose was not "negotiating or concluding a treaty". They could be convened by international organizations, or by States outside those organizations, to settle some international question. He asked the Special Rapporteur to consider that problem.

31. There were two possible methods of dealing with the special cases he had referred to which did not fall within the scope of the draft articles. Either the article could be drafted to regulate those cases, or a paragraph similar to paragraph (2) of the commentary to article 2⁴ could be included in the commentary, in which the Commission would state clearly that it had wished to take all those cases into account.

32. Mr. ROSENNE said that, if article 62 were ultimately retained, it should, together with the following two articles, be limited to persons who represented States actually or notionally. The wording should be carefully chosen so as to cover cases such as those of employers' and workers' representatives at the ILO, who by virtue of the rules of the organization itself, enjoyed a status

⁴ See *Yearbook of the International Law Commission, 1968*, vol. II, p. 197.

equal to that of the representatives of governments. A situation of that type would be fully covered by the provisions of article 3,⁵ under which the relevant rules of the organization would prevail.

33. With regard to experts who did not represent States, the Commission should be extremely careful. Those experts should normally be covered by the agreements on the status, privileges and immunities of the organization itself. They did not come within the scope of the topic of relations between States and international organizations. In the present instance, the Commission was called upon to deal with the representatives of States to international organizations.

34. He remained unconvinced that there was any real need to include provisions dealing with the meaning of terms which were not being used in a special sense in the draft. It was only if a special meaning were attached to a term that there was any justification for including such a provision. Moreover, the description of the use of the term "delegation" in sub-paragraph (a) of article 0 was incomplete: it had to be read in conjunction with the provisions of article 62, paragraph 2, and that created an additional complication.

35. The CHAIRMAN said that different views had been expressed on the question whether a provision on delegations to conferences should be included in the draft. The balance of opinion, however, appeared to be in favour of including some such provision.

36. It had been suggested that there should be two separate series of articles: one dealing with delegations to meetings of organs of an organization and another dealing with delegations to conferences.

37. On the question whether the Commission should confine itself to organizations of a universal character, it had been generally agreed that it should place the main emphasis on the problems of representation to conferences convened by organizations of a universal character, but pay some regard to exceptional cases such as those of UNESCO and the ILO.

38. The Drafting Committee would take note of the various suggestions which had been made. In particular, the word "conference" should be given a wider meaning than a meeting "for negotiating or concluding a treaty".

39. Article 62 might be condensed into two paragraphs by combining paragraph 3 with paragraph 1, on the lines of article 9, paragraph 1, of the Convention on Special Missions.⁶

40. Mr. EL-ERIAN (Special Rapporteur) said he welcomed the useful drafting suggestions which had been made during the discussion. In particular, sub-paragraph (b) of article 0 could be broadened to state that a conference meant a meeting of representatives of States for the consideration of questions of international interest, the negotiation or conclusion of a treaty, or the

adoption of appropriate resolutions and recommendations.

41. He accepted Sir Humphrey Waldock's suggestion that the word "means" should be substituted for "is" in article 0, though he would point out that the word "is" was used in article 1 of the Vienna Convention on Diplomatic Relations⁷ and also in article 1 of the Convention on Special Missions.

42. There had been some objection to the use of the expression "body of persons" in sub-paragraph (a), and he was prepared to alter the opening words of that sub-paragraph to read "A delegation is the person or persons. . ." or "A delegation is the person or group of persons. . .".

43. On the question whether the draft should include a set of articles on delegations to organs and conferences, he would remind the Commission that it had already taken a provisional decision at the previous session.⁸ He urged members to consider all the draft articles on delegations before taking a final decision on the matter.

44. The point had been made that a conference did not have any rules until it had adopted its own rules of procedure. To his mind, that was a very good reason for formulating residuary rules that could be applied until the rules of procedure were adopted.

45. With regard to categories of persons other than State representatives, experts were covered by the appropriate article of the general Convention on the Privileges and Immunities of the United Nations.⁹ As for participants in meetings of organs who were chosen as individuals and not as representatives of States, it should be possible, for purposes of privileges and immunities, to cover them by means of a broad definition of the term "delegation". Another possibility was to cover the privileges and immunities of such persons by means of an appendix to the articles on delegations.

46. In conclusion, he emphasized that the draft articles were intended to deal with general cases rather than special cases such as those of employers' and workers' delegates to the ILO. Exceptional situations of that kind were covered by the provisions of articles 3 and 4.

47. The CHAIRMAN said that, if there were no objections, he would assume that the Commission agreed to refer articles 0 and 62 to the Drafting Committee for consideration in the light of the discussion.

*It was so agreed.*¹⁰

The meeting rose at 1.30 p.m.

⁷ United Nations, *Treaty Series*, vol. 500, pp. 96 and 98.

⁸ See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 10*, p. 3, para. 17.

⁹ United Nations, *Treaty Series*, vol. 1, p. 24, article IV, section 16.

¹⁰ For resumption of the discussion, see 1067th meeting, para. 10.

⁵ See *Yearbook of the International Law Commission, 1968*, vol. II, p. 197.

⁶ See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 30*, p. 100.