

Document:-  
**A/CN.4/SR.1088**

**Summary record of the 1088th meeting**

Topic:  
**Representation of States in their relations with international organizations**

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agenda forthwith. The question of the protection and inviolability of diplomatic agents was none the less urgent, and the Commission should make every effort to consider it. He therefore supported Mr. Reuter's suggestion that Mr. Kearney be asked to submit a note. If the provisional agenda were adopted, that would not prevent the Commission from amending it later, and in any case the question raised by Mr. Kearney could always be considered under "Other business".

48. Mr. ROSENNE said he could agree to Mr. Reuter's suggestion.

49. He proposed that the Commission adopt the provisional agenda subject to minor drafting amendments and without prejudice to the order in which the various items would be discussed.

50. The CHAIRMAN suggested that the Commission should adopt the provisional agenda with the drafting amendment suggested, namely, that the word "Up-dating" in item 7 be replaced by the word "Review".

51. Mr. KEARNEY would submit a more detailed proposal in writing concerning the protection of diplomats.

*The provisional agenda was adopted as amended.*

The meeting rose at 5.40 p.m.

### 1088th MEETING

*Wednesday, 28 April 1971, at 10 a.m.*

*Chairman: Mr. Senjin TSURUOKA*

*Present: Mr. Ago, Mr. Alcívar, Mr. Bartoš, Mr. Castañeda, Mr. Castrén, Mr. El-Erian, Mr. Elias, Mr. Eustathiades, Mr. Kearney, Mr. Reuter, Mr. Rosenne, Mr. Ruda, Mr. Sette Câmara, Mr. Thiam, Mr. Ushakov, Mr. Ustor, Mr. Yasseen.*

#### **Relations between States and international organizations**

(A/CN.4/221 and Add.1; A/CN.4/238 and Add.1 and 2; A/CN.4/239 and Add.1 and 2; A/CN.4/240 and Add.1 to 3; A/CN.4/241 and Add.1 and 2)

[Item 1 of the agenda]

1. The CHAIRMAN invited the Special Rapporteur to introduce his sixth report.

2. Mr. EL-ERIAN (Special Rapporteur) said that his sixth report, which was contained in document A/CN.4/241 and the addenda thereto, has been prepared in accordance with the Commission's instructions; it reviewed the 116 articles adopted at the twentieth, twenty-first and twenty-second sessions in the light of the comments of delegations in the Sixth Committee at the

twenty-fifth session of the General Assembly, and of the written observations of governments and international organizations (A/CN.4/221 and Add.1; A/CN.4/238 and Add.1; A/CN.4/239 and Add.1 and 2; A/CN.4/240 and Add.1 to 3).

3. The 116 articles were divided into three groups. The first, consisting of articles 1 to 21,<sup>1</sup> contained general provisions and provisions regulating the legal modalities of the institution of permanent missions. The second, consisting of articles 22 to 50,<sup>2</sup> dealt with the facilities, privileges and immunities of permanent missions to international organizations and with related matters. The third, consisting of articles 51 to 116,<sup>3</sup> consisted of two parts, one dealing with permanent observer missions to international organizations and the other with delegations of States to organs of international organizations and to conferences convened by, or under the auspices of, an international organization.

4. His review of articles 1 to 116 (A/CN.4/241 and addenda) was preceded by an introduction and preliminary considerations on the form, scope and title of the draft articles, all matters which had been thoroughly discussed by the Commission at previous sessions and on which decisions had already been taken. The first question the Commission had to decide was whether, now that it had before it the observations of governments and international organizations, it wished to confirm its previous decisions on those matters.

5. An examination of the dates of issue of the various documents would show that the observations had not all been submitted in time, and it was only thanks to the efforts of the Codification Division that it had been possible to place before the Commission at the opening of the present session a substantial part of his sixth report and the bulk of the observations by governments and international organizations.

6. The general philosophy of the draft articles, their basic underlying assumptions, and the approach and methods adopted by the Commission, had received the support of governments and international organizations. Issue had only been taken on the drafting of certain articles and, of course, on the subject of privileges and immunities. That had never been a popular subject with governments and the Commission's past experience with its draft articles on diplomatic intercourse and immunities, on consular relations, and on special missions had shown that governments, at least in the early stages, always opposed any extension of privileges and immunities.

7. One example of the general approval of governments, was the written comment of the United States, which was host in New York to the United Nations and in Washington to a number of other organizations, both universal and regional, that "The United States considers that these twenty-one draft articles have been carefully and

<sup>1</sup> See *Yearbook of the International Law Commission, 1968*, vol. II, pp. 196 *et seq.*

<sup>2</sup> *Op. cit.*, 1969, vol. II, pp. 207 *et seq.*

<sup>3</sup> *Op. cit.*, 1970, vol. II, document A/8010/Rev.1, para. 26.

thoroughly worked out by the International Law Commission and is, in general, in accord with the Commission's proposals" (A/CN.4/221/Add.1, section B.10). The Government of Yugoslavia, in its written comments on articles 1-50, had stated that it regarded them "as an important contribution to the codification and progressive development of rules on representatives of States to international organizations, which are destined to play a special role in the promotion of peaceful international co-operation" (A/CN.4/239, section B.4). The Government of the USSR had stated that "the draft articles on representatives of States to international organizations (articles 1-21) do in general reflect existing practice and do not give rise to any objections of principle" (A/CN.4/221, section B.9).

8. The first of the preliminary questions discussed in his report was the form of the draft articles. On that point, there had been no explicit comment in the Sixth Committee at the twenty-third or twenty-fourth sessions of the General Assembly. However, during the discussion of the third group of articles in the Sixth Committee at the twenty-fifth session, although the general opinion had been that the draft constituted a suitable basis for a future convention, some delegations had expressed a preference for a code and had made the point that, owing to the great variety of international organizations and their differing purposes and functions, a general convention would probably have to be complemented by specific agreements in individual cases.

9. In the written observations of governments, no exception had been taken to the Commission's decision to prepare the draft articles as a basis for a draft convention constituting a self-contained and autonomous unit. The Government of Sweden, however, had expressed its preference for the idea of a code (A/CN.4/221, section B.8).

10. He had had to consider how much weight should be given to the absence of specific comments on the important question of form. He had taken into account the fact that in their observations on earlier drafts of the Commission, governments which were not in favour of a draft convention had said so expressly. Furthermore, in the comments of governments on specific articles of the present draft, there appeared to be an underlying assumption that the draft was intended to serve as the basis for a convention. For those reasons, he had felt entitled to consider the absence of specific comments on the question of form as at least a lack of opposition to, if not an implied endorsement of, the Commission's approach.

11. The International Labour Organisation had raised the question "whether legally, an inter-State agreement"—like the convention that would embody the draft articles—"can impose obligations on a third subject of international law, in this instance international organizations of universal character" (A/CN.4/239, section D.2). The same point had been raised by the International Bank for Reconstruction and Development (A/CN.4/240, section D.4, para. 5).

12. On that point, he had drawn attention to paragraph (2) of the commentary to article 22, which stated

that the question whether international organizations would become parties to the future convention was a separate one to be considered at a later stage. He had also pointed out that the 1946 Convention on the Privileges and Immunities of the United Nations had been opened for accession by States only, although it contained provisions granting rights to, and imposing obligations on, the United Nations itself (A/CN.4/241, para. 16). The position was the same with regard to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies.

13. On the question of the scope of the draft articles, he drew attention to the carefully balanced compromise solution adopted by the Commission and incorporated in article 2. When the Commission came to consider that article, it would find that the compromise had met with the general approval of States and international organizations.

14. The Commission's decision to include draft articles on delegations of States to organs of international organizations and to conferences convened by, or under the auspices of, an international organization, had been generally accepted by governments, though with some hesitation.

15. During the discussions in the Sixth Committee, a number of suggestions had been made for supplementing the draft articles by provisions regulating the status of certain categories of missions, delegations and representatives of entities other than States (A/CN.4/241, para. 27). He would take a position later on those suggestions, which related more to questions connected with the organizations themselves. His first reaction, however, was that the Commission might be wise to confine its draft articles to representatives of States, without attempting to deal with other categories of persons, regarding which no draft articles had been prepared by the Commission and, of course, no government comments had been received.

16. As to the title of the draft, it would be remembered that the title "Draft articles on representatives of States to international organizations" had been adopted before the Commission had decided to deal with the subject of delegations to organs and conferences.<sup>4</sup> In view of the extension of the draft to cover that subject, he now proposed that the title be amended to read "Draft articles on representatives of States to international organizations and conferences".

17. The title of Part I, "General Provisions", covered articles 1 to 5, which contained general provisions applicable to all the draft articles. Those provisions, however, had been prepared at a time when the draft dealt only with permanent missions and were therefore couched in terms applicable only to missions of member States. Now that the Commission had decided to include provisions on permanent observer missions (Part III) and on delegations to organs and conferences (Part IV), it would be necessary to amend the articles in Part I so as

<sup>4</sup> Op. cit., 1968, vol. II, p. 195, para. 28.

to extend their scope to missions and delegations of non-member States.

18. After the adoption of the articles in Part I, the Commission had adopted certain general provisions which, although they appeared at present in Part II, were also applicable to Parts III and IV. They included such provisions as those of article 44, on non-discrimination, and article 50, on consultations. It would hardly be appropriate to transfer them to Part I, which contained introductory articles and for which he now proposed the title "Introduction", since they were substantive articles which applied to Parts II, III, and IV and could best be placed at the end of the whole draft. He therefore suggested that they be grouped in a new Part V, to be entitled "General Provisions".

19. He would be glad if the Commission, before examining the draft articles *seriatim*, would examine those preliminary questions and decide whether it wished to confirm its earlier decisions.

20. The CHAIRMAN said that there was no objection to the course proposed by the Special Rapporteur; he therefore invited members to comment on those preliminary questions.

21. Mr. ELIAS said that, on the question of the form of the draft, he thought the Commission should confirm its earlier decision that the draft articles should be prepared with a view to the formulation of a convention.

22. During the discussion in the Sixth Committee, there had been strong support for the idea of reducing the length of the draft by combining provisions susceptible of uniform treatment; the matter was one to which representatives had attached considerable importance. At the previous session the great majority of the Commission had stressed the desirability of shortening the draft by using the device of drafting by reference. Now that the Commission had had the benefit of the views of the Sixth Committee, it should make every effort to reduce the number of articles substantially; a draft of 116 articles was undoubtedly too long.

23. Another preliminary question was whether it was desirable to include separate provisions on the possible effects of exceptional situations such as absence of recognition, absence or severance of diplomatic relations and armed conflict, on the representation of States in international organizations. He hoped the Special Rapporteur would submit draft articles on those matters for the Commission's consideration.

24. With regard to the new title for the draft proposed by the Special Rapporteur (A/CN.4/241, para. 28), it was clear that if the Special Rapporteur's proposals for Parts III and IV were accepted, the title would have to be amended. The final form of the title, however, would require further consideration.

25. He suggested that, once the Commission had taken a decision on those preliminary issues, it should not reopen its discussion on draft articles 1 to 21, apart from considering such rewordings as the Special Rapporteur might propose in the light of government comments.

26. Mr. USHAKOV said it was regrettable that the Commission should have only part of the Special Rapporteur's report before it. At that stage of its work it could not consider isolated parts or articles of the draft separately, as it had when preparing the text. For the second reading it was essential for the Commission to have a general conspectus of the draft and to have before it all the Special Rapporteur's proposals on the matters remaining to be settled.

27. However, not only had part of the Special Rapporteur's report not yet been circulated, but he had made no proposals on many of the matters still pending. For example, he had stated that the Commission had decided to consider, during the second reading, the question of the possible effects on the representation of States in international organizations of exceptional situations, such as absence of recognition, absence or severance of diplomatic relations and armed conflict, but he had made no specific proposals on that question. The draft would not be complete without articles dealing with those situations, and the question should therefore be settled before the Commission started on the second reading.

28. Similarly, the Special Rapporteur proposed that an introductory section, consisting of a few articles applicable to the whole draft, should precede the substantive articles and be followed by a new part containing certain other provisions, which, though of general application, were not introductory, and whose logical place was therefore at the end of the draft. But there again, the Commission had not been given any specific proposal to work on, to say nothing of the fact that it was questionable whether it was possible from the legal standpoint to draft, for both Part I and Part II, provisions applicable to the whole of a draft which contained widely different notions.

29. Before it could think of starting on the second reading, the Commission must complete the work of drafting and see how it could combine certain articles so as to shorten the text; for example, articles 79 and 80 might be consolidated with the introductory articles. To do that, however, the Commission must have before it the whole of the Special Rapporteur's report and his specific proposals on the provisions to be examined, the arrangement of the articles and how to proceed. The Commission had undertaken to complete consideration of the topic of relations between States and international organizations at the present session and to make substantial progress in its work on certain other items; that was why the General Assembly had granted it, against the views of some delegations, a fourteen-week session. It was the more regrettable, therefore, that an exceptional effort had not been made to submit the documentation in time, for that might substantiate the view that the Commission could work faster if everyone really did their best.

30. Mr. EL-ERIAN (Special Rapporteur) said that Mr. Elias had expressed some doubts about the title proposed but had agreed in principle that the title should be changed if the Commission decided to include draft articles on permanent observer missions and delegations to organs and conferences.

31. Both he and Mr. Ushakov had also referred to the possible effects of exceptional situations on permanent missions; he could assure them that he was preparing a provision to regulate that question in the light of the Commission's discussions in 1969 and 1970.

32. Mr. Ushakov had suggested that it might be more useful to deal with those questions which were before the Commission on first reading, before taking up the articles at second reading. He (the Special Rapporteur) would have preferred to present the Commission with a complete set of draft articles, but unfortunately that had not been possible because the observations of governments and international organizations had not been received in time.

33. It was his opinion that the articles on consultations between the sending State, the host State and the Organization, on the professional activities and conduct of members of permanent observer missions and delegations, and on the possible effects of exceptional situations should be included among the general provisions.

34. Mr. KEARNEY said that he shared some of the concern expressed by previous speakers about the difficulty of considering the draft articles without having a complete set before the Commission; there was, indeed, a definite connexion between some of the general articles and those relating to the conduct of permanent observer missions and delegations, in so far as privileges and immunities were concerned. He hoped, therefore, that the Special Rapporteur would be able to submit a complete set of draft articles in the near future; at the same time, however, he did not think that the lack of a complete set of articles would automatically bar the Commission from proceeding to deal with articles 1 to 21.

35. The Commission would undoubtedly be faced with a problem of consolidation when it reached the articles on permanent observer missions. Mr. Ushakov had referred to the possible consolidation of article 79 with an introductory article; that consolidation should be with article 5. He hoped that the Special Rapporteur would give the Commission some idea of his general approach to the consolidation problem, in order to relieve any feelings of uncertainty.

36. As to the possible effects of exceptional situations, he had some doubts about the desirability of attempting to deal with that subject. He did not believe that the absence of diplomatic relations was a problem which could cause serious difficulties in international organizations. If the Commission tried to deal with the problems resulting from a situation of armed conflict, he feared that it might become involved in endless theoretical discussions. International organizations had, in fact, managed to function quite satisfactorily for a long time without any special rules to govern that contingency and should be able to continue to do so in the future on an *ad hoc* basis.

37. With regard to the title of the draft, he had some reservations about the one proposed by the Special Rapporteur, which he considered unduly restrictive, but it was not a matter on which the Commission needed to take an immediate decision.

38. He suggested that the Commission proceed immediately to discuss the existing draft articles, pending the submission of a complete set, which he hoped would be forthcoming before long. He further suggested that the Secretariat be asked to prepare, for easy reference, a single document containing the existing 116 draft articles.

39. Mr. ROSENNE said that the Commission seemed to be in the normal situation attending a second reading. The volume of comments which had been received from governments was enormous and he thanked the Special Rapporteur for having reduced them to some kind of order in his sixth report.

40. With regard to the form of the draft articles, he thought that, in accordance with the Commission's previous practice, they should be designed to take the form of a draft convention, but that was essentially a matter of drafting technique which left open the final recommendation the Commission would make. In that connexion, the Commission would sooner or later have to face the difficult problem posed by Article 105 of the Charter, which in the past it had brushed aside.<sup>5</sup>

41. The basic problem, as expressed in the observations of governments and in the discussions in the Sixth Committee, was whether the privileges and immunities which the Commission would recommend for the permanent missions of member States should set the pattern for the permanent observer missions of non-member States and delegations to international conferences. On the answer to that question would depend the ability of the Commission to reduce the number of articles. However, that issue could not be discussed until the Special Rapporteur had given his views on it, and it was not to be excluded that the final text might take the form of two or more sets of draft articles. On the whole, he thought that questions of the arrangement and possible consolidation of the draft articles, and of titles, should be left to the Special Rapporteur, who could make proposals to the Drafting Committee at a later stage.

42. With regard to the possible effects of exceptional situations, he thought the Commission was committed to dealing with that problem and reporting to the General Assembly; he hoped, therefore, that the Special Rapporteur would submit appropriate proposals, without prejudice to any final decision the Commission might take.

43. He proposed that the Commission should proceed as quickly as possible and on a pragmatic basis, as suggested by Mr. Kearney; that it should take up the draft articles on the permanent missions of member States at second reading; and that it should leave the other questions open until it had the whole of the Special Rapporteur's report before it.

44. Mr. YASSEEN said he agreed with Mr. Ushakov that the Commission could work more easily if it had before it a report on all the questions relating to representatives of States to international organizations. Never-

<sup>5</sup> Op. cit., 1963, vol. I, 718th meeting; 1964, vol. I, 755th meeting; 1970, vol. I, 1073rd meeting.

theless, the Commission had often worked under difficult conditions, when documents had not been distributed in due time, and it had always managed to make the best of the situation.

45. He agreed with Mr. Ushakov that, although the Commission was preparing to examine the draft at second reading, some questions had never been discussed at first reading. He would suggest that the Commission begin by considering those questions on the basis of the documents submitted by the Special Rapporteur, embody them in a text, and take them up again at second reading, either at the end of its consideration of item 1, or at the end of the session.

46. With regard to the form of the draft, the Commission had always intended to prepare a convention, and it was to that end that it had directed its work. The legal technique of drafting a code was very different from that of drafting a convention, and it would be a serious matter if the Commission had to retrace its steps. In any event, Sweden seemed to be the only country which had advocated the drafting of a code. He had no doubt that in its final form the convention would be flexible enough to permit the development of international law with respect to regional organizations.

47. Many representatives in the Sixth Committee had said that the draft could be shortened. He himself agreed with that view, and would suggest that the method of cross-references be used as much as possible, so as to make the draft more convenient. The Commission should, however, beware of *mutatis mutandis* references, since they were not always sufficiently precise.

48. With regard to exceptional situations, the Commission should examine them carefully and decide whether they called for special articles. He had no fixed views on the effects of hostilities, but he thought that that point, too, deserved consideration.

49. As to the title of the draft, the Commission should leave that over until it had finally settled the arrangement and text of the draft articles, when the question would present no difficulty.

50. Mr. ALCÍVAR said he agreed with Mr. Ushakov that it would have been better if the Commission could have had a complete set of draft articles before it; on the other hand, the lack of a complete set should not prevent it from starting work on the articles which the Special Rapporteur had already submitted.

51. With regard to the form of the draft articles, he did not think that the Commission should depart from its normal practice of preparing draft articles for eventual incorporation in an international convention, which in his opinion was the type of instrument that would have the greatest legal value.

52. He agreed in principle that some provision should be made for the possible effects of exceptional situations, but the question of the specific articles in which that provision would be made should be decided later, as the work progressed.

53. The number of articles dealing with permanent

observer missions might usefully be reduced, since many of them were repetitive.

54. As to the title of the draft, he thought it should consist of two parts, the first referring to the representatives of States to international organizations and the second to the rights of the organizations themselves, their legal personality and their privileges and immunities.

55. Mr. AGO said that although certain governments had been late in sending in their replies, it should not be forgotten that they had had to examine an impressive number of articles, several of which had been hastily prepared. The Commission had committed itself to finishing the second reading of the draft, and it must now face the situation, even though it might not be ideal. If it devoted four weeks to the discussion, as Mr. Elias had proposed, it would have little time to review the articles as a whole. Hence, it must be prepared to allow more time. In any case the Commission must try to gain time, so it should not revert to the question whether it would be advisable to draft a code rather than a convention. The title of the draft could be decided at the final stage.

56. Admittedly, it had been materially impossible to prepare a report on the whole draft before the beginning of the session. But he agreed with Mr. Ushakov that the introductory articles and the general part could only be examined in the light of all the other articles, and he hoped that the Secretariat would soon be able to provide a complete list of the articles proposed, which would enable the Commission to decide whether the draft should have one or more introductory parts.

57. As Mr. Yasseen had observed, it was absolutely necessary to consolidate the articles of the draft. The previous year the Commission had made a necessary analytical study, but it should now avoid repetition, perhaps by resorting to the method of cross-references. To all appearances the provisions on permanent missions in general and on permanent observer missions could be consolidated, whereas the last part of the draft was of a more separate character.

58. Before starting on its consolidation the Commission might, as Mr. Yasseen had suggested, take up the articles it had not yet examined at first reading; it could then proceed to examine the special provisions, starting with article 6, and leave aside the general provisions for the time being. It should get to the heart of the matter without delay.

59. Mr. EL-ERIAN (Special Rapporteur) replying to Mr. Yasseen and Mr. Ago, said that in fact only one article was still pending for first reading and the problem of the possible effects of exceptional situations had already been discussed; he had dealt with it in articles 47 to 50, since it was related to the termination of functions. The Vienna Convention on the Law of Treaties provided that the host State should facilitate the departure of the mission, but did not refer to the problem raised by the outbreak of hostilities; that problem had not been discussed at the Conference on the Law of the Sea either.

60. For the time being, he proposed that the Commission should concentrate on the first twenty-one articles, concerning which he would submit a working paper in the near future.

61. Mr. USHAKOV said he must emphasize that the draft articles did not contain provisions on exceptional situations. He was opposed to deferring consideration of those situations as the Special Rapporteur suggested. Even if it did not finally prove necessary to draft special articles, the Commission should take a position on the question without delay. It was most unlikely that the Special Rapporteur would be able to draft a single article covering all the situations involved. The notion of armed conflict was very complex, since it might apply to three parties: the sending State, the host State and the organization. The question of exceptional situations called for an urgent decision by the Commission.

62. So far as the immediate future was concerned, he supported Mr. Ago's suggestion that the Commission begin by considering article 6 and the following articles.

63. The CHAIRMAN said that the Commission could hope to receive one or more articles on exceptional situations within a few days. Meanwhile, it could take up the draft again, article by article, starting with article 6.

The meeting rose at 1.5 p.m.

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### 1089th MEETING

Thursday, 29 April 1971, at 10.15 a.m.

Chairman: Mr. Senjin TSURUOKA

*Present:* Mr. Ago, Mr. Alcívar, Mr. Bartoš, Mr. Castañeda, Mr. Castrén, Mr. El-Erian, Mr. Elias, Mr. Eustathiades, Mr. Kearney, Mr. Reuter, Mr. Rosenne, Mr. Ruda, Mr. Sette Câmara, Mr. Thiam, Mr. Ushakov, Mr. Ustor, Mr. Yasseen

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#### Relations between States and international organizations

(A/CN.4/221 and Add.1; A/CN.4/238 and Add.1 and 2; A/CN.4/239 and Add.1 and 2; A/CN.4/240 and Add.1 to 3; A/CN.4/241 and Add.1 and 2; A/CN.4/L.162/Rev.1)

[Item 1 of the agenda]

(continued)

1. The CHAIRMAN invited the Commission to continue consideration of the Special Rapporteur's sixth report (A/CN.4/241 and addenda).

#### GENERAL COMMENTS

2. Mr. REUTER said that before the Commission began to consider the draft article by article, he would like to make a few general comments.

3. Mr. El-Erian's report had been prepared under difficult conditions and the Commission should not re-open the question of his methods of work merely because it had not yet received a complete report.

4. Generally speaking, he shared the Special Rapporteur's view regarding the orientation of the draft articles; at the stage of second reading the Commission could not depart from the line that it had followed so far.

5. The observations of States always deserved consideration, even if only to satisfy public opinion. Some States had questioned whether the draft achieved a perfect balance between the rights and duties of host States. There was no denying, for example, that the civil effects of immunities were closely linked with certain questions of insurance. He hoped, therefore, that the Commission would disarm all the criticisms made by States.

6. The reactions of international organizations were even more important than those of States, for while the replies of States were sometimes prompted by rather selfish considerations, those of international organizations should be more disinterested. The observations of the organizations reflected a concern to "defend themselves" against the draft articles; they emphasized the precise legal effects of the convention which the draft articles were intended to form. Several old-established organizations stressed not only their *de jure* practice, but also their *de facto* practice, and seemed to wish to reserve for themselves an area of creative autonomy. That problem was linked with another item of the agenda: the question of treaties concluded by international organizations. It was essential that due account be taken of the observations of the international organizations.

7. Mr. EL-ERIAN (Special Rapporteur) said that at the previous meeting the point had been made that it was important to co-ordinate the Commission's work on relations between States and international organizations with Article 105 of the United Nations Charter. Paragraphs 2 and 3 of that Article were particularly relevant to the Commission's work. Paragraph 3 stated that "The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose". It was in accordance with Article 105 that the General Assembly had in 1946 drawn up the Convention on the Privileges and Immunities of the United Nations,<sup>1</sup> and in 1948 adopted resolution 257 (III) concerning permanent missions to the United Nations. It was clear, therefore, that the Commission's present task came within the strict application of Article 105.

8. The question of the importance of the comments of international organizations had been raised. He had

<sup>1</sup> United Nations, *Treaty Series*, vol. 1, p. 16.