

Document:-  
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**Summary record of the 1148th meeting**

Topic:  
**<multiple topics>**

Extract from the Yearbook of the International Law Commission:-  
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23. Mr. TESLENKO (Deputy Secretary to the Commission) said that the second sentence in paragraph 8 should be corrected to read: "In accordance with the wishes expressed during the debates of the Sixth Committee, three young diplomats who had participated in the work of the Committee were admitted to this session of the Seminar".

*Section G, as amended, was approved.*

#### Relations between States and international organizations

(A/CN.4/221 and Add.1 and Corr.1; A/CN.4/238 and Add.1 and 2; A/CN.4/239 and Add.1 to 3; A/CN.4/240 and Add.1 to 7; A/CN.4/241 and Add.1 to 6; A/CN.4/L.162/Rev.1; A/CN.4/L.181)

[Item 1 of the agenda]

*(resumed from the previous meeting)*

#### DRAFT ARTICLES ON THE REPRESENTATION OF STATES IN THEIR RELATIONS WITH INTERNATIONAL ORGANIZATIONS

24. The CHAIRMAN invited the Chairman of the Working Group to introduce the draft articles on the representation of States in their relations with international organizations (A/CN.4/L.181).

25. Mr. KEARNEY (Chairman of the Working Group) said that the Secretariat had made certain changes in the text of the draft articles as given in document A/CN.4/L.181 which it wished to bring to the Commission's attention.

26. In view of the new definition of "delegation to a conference" in article 1, paragraph 1 (10), it was proposed that paragraph 1 (19) should be amended to read: "delegate" means any person designated by a State to participate as its representative in the proceedings of an organ or in a conference". The words "... of a conference" would thus be replaced by the words "in a conference".

27. In article 11, paragraph 3, it was proposed to add the word "delegate" after the word "observer" in the phrase "to act as an observer".

28. In articles 17 and 48, it was proposed to replace the words "their States" by the words "the States", in order to bring the English version more closely into line with the French and Spanish versions.

29. In article 60, paragraph 1 (a), and article 63, sub-paragraph (b), it was proposed to replace the word "purpose" by the word "purposes".

30. Mr. ROSENNE said that sub-paragraph (b) of article 4 seemed to differ considerably from the text of that sub-paragraph adopted at the 1135th meeting. He asked why the words "of universal character or their representation at conferences convened by or under the auspices of such organizations" had been added after the words "international organizations".

31. Mr. KEARNEY (Chairman of the Working Group) said that the Working Group had decided to add those

words in order to make it clear that the draft articles also referred to conferences.

32. The CHAIRMAN put to the vote the draft articles on the representation of States in their relations with international organizations (A/CN.4/L.181).

*The draft articles were adopted unanimously.*

33. The CHAIRMAN said that he wished to express his most sincere thanks to the Special Rapporteur and to the members of the Working Group, without whose efforts that important item of the agenda could not have been successfully completed.

The meeting rose at 12.20 p.m.

#### 1148th MEETING

*Friday, 30 July 1971, at 10.20 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. Rosenne, Mr. Sette Câmara, Mr. Tabibi, Mr. Thiam, Mr. Ushakov, Sir Humphrey Waldock, Mr. Yasseen.*

#### Draft report of the Commission on the work of its twenty-third session

(A/CN.4/L.178/Add.2, 6, 14 and 15; A/CN.4/L.180/Add.3 to 5)

*(continued)*

#### Chapter II

*(resumed from the previous meeting)*

1. The CHAIRMAN invited the Commission to continue its consideration of chapter II of the draft report.

COMMENTARIES TO ARTICLES 1 to 4 (A/CN.4/L.178/Add.2)

*Commentary to article 1 (Use of terms)*

2. Mr. ROSENNE said that the word "used" in the first line of paragraph (6) should be replaced by the word "uses".

3. He suggested that paragraph (14) be amended to read: "Paragraph 2 is similar in purpose to paragraph 2 of article 2 of the Vienna Convention on the Law of Treaties".

*It was so agreed.*

*The commentary to article 1, as amended, was approved.*

*Commentary to article 2 (Scope of the present articles)*

*The commentary to article 2 was approved.*

*Commentary to article 3 (Relationship between the present articles and the relevant rules of international organizations or conferences)*

4. Mr. ROSENNE suggested that the word "all" in the expression "between the States concerned" in paragraph (6) be deleted.

*It was so agreed.*

5. Sir Humphrey WALDOCK suggested that the phrase "thus enabling participation of entities" in the last sentence of paragraph (3) be replaced by the phrase "thus permitting the participation of entities".

*It was so agreed.*

*The commentary to article 3, as amended, was approved.*

*Commentary to article 4 (Relationship between the present articles and other international agreements)*

*The commentary to article 4 was approved.*

COMMENTARIES TO ARTICLES 44 to 49 (A/CN.4/L.178/Add.6)

*Commentary to article 44 (Composition of the delegation)*

*The commentary to article 44 was approved.*

*Commentary to article 45 (Size of the delegation)*

*The commentary to article 45 was approved.*

*Commentary to article 46 (Notifications)*

*The commentary to article 46 was approved.*

*Commentary to article 47 (Acting head of the delegation)*

*The commentary to article 47 was approved.*

*Commentary to article 48 (Precedence)*

*The commentary to article 48 was approved.*

*Commentary to article 49 (Status of the Head of State and persons of high rank)*

*The commentary to article 49 was approved.*

COMMENTARIES TO ARTICLES 41 to 43 (A/CN.4/L.178/Add.14)

*Commentary to article 41 (Sending of delegations)*

*The commentary to article 41 was approved.*

*Commentary to article 42 (Appointment of the members of the delegation)*

*The commentary to article 42 was approved.*

*Commentary to article 43 (Credentials of delegates)*

6. Mr. ROSENNE suggested that the third sentence in paragraph (4) be amended to read: "The Commission, at its present session, re-examined this question in the light of these comments".

*It was so agreed.*

*The commentary to article 43, as amended, was approved.*

### *Annex*

OBSERVER DELEGATIONS TO ORGANS AND TO CONFERENCES  
(A/CN.4/L.178/Add.15)

7. Mr. ROSENNE suggested that paragraph 5 be broken up into a number of sub-paragraphs.

*It was so agreed.*

8. Mr. CASTRÉN suggested the addition of a new sentence in paragraph 1, between the existing second and third sentences, stating that several governments, in their written comments, had made requests similar to those of certain delegations in the Sixth Committee.

*It was so agreed.*

*The Annex, as amended, was approved.*

*Chapter II, as amended, was approved.*

### *Chapter IV*

(resumed from the previous meeting)

*Section B. Review of the Commission's long-term programme of work*  
(A/CN.4/L.180/Add.3)

9. Mr. SETTE CÂMARA suggested that a sentence be added to section B expressing the Commission's appreciation of the excellent work done by the Codification Division of the Office of Legal Affairs in producing the Survey of International Law (A/CN.4/245), which was a milestone in the history of the Commission.

*It was so agreed.*

*Section B, as amended, was approved.*

*Section C. Organization of future work*

*Section C was approved.*

*Section H. Gilberto Amado memorial lecture  
(A/CN.4/L.180/Add.4)*

10. Mr. ELIAS suggested that the first sentence in paragraph 4 be amended to read: "The money offered by the Brazilian Government would be held in the trust fund established for the fellowships given to the Seminar and would be used to defray the cost of the implementation of the programme, including the publication in English, French and Spanish of the annual lecture."

*It was so agreed.*

11. M. ROSENNE suggested that the words "annual dinner" in paragraph 3 should be replaced by the words "annual commemoration".

12. He further suggested that section H be placed immediately before or after the section on the Seminar on International Law.

*It was so agreed.*

*Section H, as amended, was approved.*

*Section C bis. The problems of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law  
(A/CN.4/L.180/Add.5)*

13. Sir Humphrey WALDOCK suggested that the word "should" be inserted before the word "consider" in the first sentence of paragraph 1, and the word "its" before the word "decision" in the second sentence.

*It was so agreed.*

14. Mr. ROSENNE pointed out that the word "twenty-seventh" should be inserted in the blank space in paragraph 2.

*Section C bis, as amended, was approved.*

*Chapter IV, as amended, was approved.*

*The draft report of the Commission on the work of its twenty-third session as a whole, as amended, was adopted.*

**Closure of the Session**

15. The CHAIRMAN said he wished to thank members for the harmonious way in which they had worked together, as a result of which the Commission had been able to complete the draft articles on the representation of States in their relations with international organizations within the time-limit it had set itself. He also wished to thank the Special Rapporteur, Mr. El-Erian, without whose devoted labours the Commission would have been unable to achieve that result, the Working Group, which had made an outstanding contribution to the success of the session, the Drafting Committee and every member of the secretariat, whose competence and efficiency could not be overstated.

16. Mr. KEARNEY (Chairman of the Working Group) thanked the Chairman for the outstanding leadership he had given to the Commission, thus enabling it to complete the work on the draft articles on the representation of States in their relations with international organizations. He himself, as Chairman of the Working Group, wished to pay a tribute to the Special Rapporteur and to thank the members of the Working Group for their efficient and friendly co-operation. Thanks were also due to the Secretariat for its valuable assistance.

17. He expressed his regret that the Commission would be losing the services of Mr. Castrén, who was voluntarily retiring.

18. Mr. ROSENNE said he associated himself with all those sentiments. Since he was not certain of returning to the Commission at the next session, he wished to place on record his sense of appreciation of the unfailing courtesy he had always encountered from all the Special Rapporteurs and from all the officers of the Secretariat, however difficult the circumstances might have been from time to time. He also wished to express his gratitude to all his colleagues for the great enrichment which the Commission had given him. The work of the present session, particularly because it had broken new ground, would be seen in the future as one of the landmarks in the Commission's contribution to the codification and progressive development of international law.

19. Mr. YASSEEN said that he wished in particular to express his gratitude to the Chairman for the success with which he had conducted the business of the Commission during a long and difficult session.

20. A special tribute was due to Mr. El-Erian, the Special Rapporteur, who, despite the many difficulties created by exceptional circumstances, had devoted his time and energy to helping the Commission to overcome the problems that had arisen in dealing with a topic which had proved extremely hard to codify.

21. He also wished to thank the Secretariat for its efficiency and for all the help it had given, and to express his regret at the retirement of Mr. Castrén, a great internationalist, whose acute intelligence had been appreciated by every member of the Commission.

22. Mr. BARTOŠ said that he fully supported the tributes paid by previous speakers to the Chairman, the Special Rapporteur, the Working Group and the Secretariat.

23. The Commission would be the poorer for the retirement of Mr. Castrén, who for ten years had placed his great knowledge at its service. His ideas had made a valuable contribution to the Commission's work, and he had unerringly drawn attention to any defects in the Commission's drafts and to the important points that it was essential to bear in mind. He would be greatly missed.

24. Mr. TABIBI, Mr. ELIAS, Sir Humphrey WALDOCK, Mr. USHAKOV, Mr. THIAM, Mr. EUSTATHIADES, Mr. SETTE CÂMARA, Mr. ALCÍVAR, Mr. CASTAÑEDA and Mr. AGO associated themselves

with the tributes paid to the Chairman and other officers of the Commission, the Special Rapporteur and the Secretariat, and with the expressions of regret at the retirement of Mr. Castrén.

25. Mr. CASTRÉN said that he had been deeply moved by the kind words spoken in connexion with his decision not to stand for re-election. He would cherish the memory of the ten years he had spent in the Commission.

26. The CHAIRMAN proposed that the Commission adopt the following draft resolution:

“The International Law Commission,

“*Having adopted* the draft articles on representation of States in their relations with international organizations,

“*Desires to express* to the Special Rapporteur, Mr. A. El-Erian, its deep appreciation of the outstanding contribution he has made to the treatment of the topic during the past years by his tireless devotion and scholarly research, thus enabling the Commission to bring to a successful conclusion the important task of completing, with this draft, the work on codification already carried out in connexion with diplomatic and consular relations and special missions.”

*The draft resolution was adopted unanimously.*

27. Mr. EL-ERIAN said that he associated himself with the tributes which had been paid to the Chairman and the other officers of the Commission.

28. As Special Rapporteur, he wished to express his gratitude to the members of the Commission who had held the office of Chairman or Chairman of the Drafting Committee during the last three sessions. He was also deeply indebted to the Chairman and members of the Working Group for their work on the draft articles.

29. He had been much touched by the sympathetic understanding of his difficulties shown by the members of the Commission, and was grateful for the help and encouragement he had received from the Codification Division. The adoption under difficult conditions of the draft articles on the representation of States in their relations with international organizations reflected the spirit of comradeship in the Commission.

30. He thanked the Commission for its generous expression of appreciation in the form of the draft resolution just adopted.

31. Mr. STAVROPOULOS (Legal Counsel of the United Nations, representing the Secretary-General) said that he was grateful for the kind words of appreciation of the work of the Secretariat, both at New York and at Geneva.

32. The present Director of the Codification Division, Mr. Movchan, might not be serving the Commission as Secretary at the next session, as it was possible that his period of secondment to the United Nations Secretariat would end before then. Mr. Movchan had proved himself an excellent international civil servant and had made an outstanding contribution to the work of the Office of Legal Affairs.

33. Mr. MOVCHAN (Secretary to the Commission) said he greatly valued his first experience as an international civil servant and thanked the members of the Commission for their kindness during the past five years. He had much appreciated what had been said about the work of the Codification Division.

34. The CHAIRMAN declared the twenty-third session of the International Law Commission closed.

The meeting rose at 1.5 p.m.

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