

Document:-  
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**Summary record of the 944th meeting**

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

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52. The question whether the Commission would be able to submit a complete set of draft articles to the Sixth Committee would naturally depend on the time it devoted to the topic and to the other items on its agenda. It was still too early to make any forecast on that point.

53. Mr. USTOR said that from his experience of the Sixth Committee, he did not expect it to finish its work on special missions before 1969; he therefore saw no urgent need to produce the whole draft during the present session.

54. Sir Humphrey WALDOCK said it was desirable to proceed with the draft articles on relations between States and inter-governmental organizations, so that as much of the draft as possible would be available to the Sixth Committee—not because the Committee would work on the draft, but because it would be useful to be able to compare its provisions with those of the draft articles on special missions.

55. Mr. AMADO emphasized that the Commission should carry out its task to serve the international community; what ultimately happened to its work was of no concern to it.

56. Mr. BARTOŠ said it would be difficult for the Commission to discuss general questions—even preliminary ones—until the text of the articles was available.

57. The CHAIRMAN said that the Commission should press on with its examination of the draft articles on relations between States and inter-governmental organizations, aiming to complete the work during the present session if possible. If Mr. Bedjaoui arrived on 20 June as expected, the Commission could consider devoting some time to item 1 of the agenda. The Special Rapporteur on item 2 could submit, later in the session, draft articles revised in the light of the discussion.

The meeting rose at 1 p.m.

#### 944th MEETING

Thursday, 30 May 1968, at 10 a.m.

*Chairman:* Mr. José María RUDA

*Present:* Mr. Ago, Mr. Albónico, Mr. Amado, Mr. Bartoš, Mr. Castrén, Mr. El-Erian, Mr. Ignacio-Pinto, Mr. Kearney, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Reuter, Mr. Rosenne, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldeck, Mr. Yasseen.

#### Relations between States and inter-governmental organizations

(A/CN.4/195 and Add.1; A/CN.4/203 and Add.1-2; A/CN.4/L.118 and Add.1-2)

[Item 2 of the agenda] (*continued*)

#### GENERAL DEBATE (*continued*)

1. The CHAIRMAN invited the Commission to continue its general debate on item 2 of the agenda.

2. Sir Humphrey WALDOCK said that the form of the draft articles should not be a matter of controversy. It had become the established practice of the Commission to prepare its drafts in the form of articles suitable for adoption as a convention and it would naturally adhere to that practice.

3. As to the title of the first group of draft articles, he was not quite satisfied with the expression "legal position" and hoped that a more suitable one would be found. He agreed with Mr. Rosenne, however, that it would be better to deal with that point at a more advanced stage of the work.

4. With regard to the scope of the draft, if the work on relations between States and inter-governmental organizations was to be regarded as a first step in a series of codifications of the law of international organizations in general, it would not necessarily be appropriate to include provisions on the privileges and immunities of representatives to conferences. It would, however, be logical in the context to cover conferences convened by international organizations as part of their activities.

5. It was necessary to bear in mind that the law of diplomatic and consular relations had already been codified, and that the codification of the law of special missions was imminent. Since the question of representatives to conferences, although it had some bearing on special missions, had not been covered in the draft on that topic, there was a danger that it might not be codified at all if it was also excluded from the present work.

6. By the time that States had disposed of the two further topics of special missions and relations between States and inter-governmental organizations, they would have dealt with no less than four separate categories of privileges and immunities; both States and the International Law Commission itself might, at that stage, feel little enthusiasm for dealing with yet a fifth category, namely, the privileges and immunities of representatives to conferences.

7. The Special Rapporteur should therefore be encouraged to go ahead with the work he had already begun of preparing draft articles on representatives to conferences. His own final position on the question of including those articles, or alternatively, only provisions on conferences convened by international organizations as part of their work, would largely depend on the view which the Special Rapporteur would ultimately take on the matter.

8. Mr. YASSEEN, referring to the title of the draft, said that the expression "*situation juridique*" used in the French translation was more satisfactory than the English expression "legal position". If it was desired to use a more precise term, "status" might be suitable. Although that word had a rather restricted meaning in some international instruments, it still had a general meaning which embraced privileges and immunities. The status of a body determined not only its membership, but also its relations with other bodies. The draft might be entitled: "Permanent representatives of States to international organizations".

9. The Special Rapporteur had rightly proposed that the study should be restricted to diplomatic law, which was a particular aspect of the relations between States and

inter-governmental organizations; for it was not possible to codify at one time the whole of the law relating to inter-governmental organizations.

10. With regard to the form of the draft, he agreed with the Special Rapporteur that the subject-matter could be dealt with in a convention. As to the scope of the draft articles, for logical and practical reasons he supported the Special Rapporteur's proposal that regional organizations should not be considered for the time being. Those organizations reflected a particular kind of solidarity, which lent itself to particular forms of regulation. In most cases, questions connected with the representation of member States in regional organizations were governed by a special agreement between those States. But once the rules governing general international organizations had been drawn up, they could help States members of regional organizations to settle such questions as might arise between them concerning representation.

11. It remained to be decided whether the draft should deal with delegations to sessions of organs and to conferences. For the reasons which the Special Rapporteur had explained, the Commission would probably have to concern itself with delegations sent to sessions of organs of international organizations; but it was doubtful whether the draft should cover delegations sent to conferences convened by international organizations. The organization and procedure of conferences did not really fall within the topic of relations between States and inter-governmental organizations. There was an international law of diplomatic conferences, which applied no less to conferences convened by States than to conferences convened by international organizations. The legal position of delegations to conferences convened by international organizations could probably be logically regarded as coming within the topic under study, but the nature of the conferences themselves and the recent development of law on that subject seemed to require that representation at conferences be dealt with as a separate topic.

12. Mr. CASTRÉN congratulated the Special Rapporteur on his second and third reports, which harmoniously developed the ideas expressed in the first, and provided a sound basis for drafting precise rules.

13. Like other members of the Commission, he thought that the Special Rapporteur had correctly interpreted his terms of reference. The Commission's intention had indeed been to confine its work on relations between States and inter-governmental organizations to a specific question for the time being, giving priority to the legal position of representatives of States to organizations, and possibly of delegations to international conferences as well. Those questions were ripe for codification, because there already existed abundant practice which was sufficiently uniform for general rules to be derived from it. When the Commission reached the end of that first stage in its work, there would be nothing to prevent it from continuing its research on the associated problems.

14. With regard to the title of the draft articles, it seemed premature to try to decide on the final wording. At first sight it appeared that the title proposed by the Special Rapporteur ought to be supplemented by a reference to delegations to international conferences if—as he himself

hoped—the Commission decided to deal with the legal position of such delegations in the same draft. The expression "legal position" could be retained, though the word "position" might be replaced by "status", as Mr. Yasseen had just suggested. Despite the disadvantages of a long title, that expression was necessary, for without it the title would become too general and would be incomplete.

15. The form of the draft articles could also be decided later. Like the Special Rapporteur, however, he already thought that the rules to be drafted should be designed to serve as a basis for a convention.

16. With regard to the scope of the draft, he, too, thought that, at least for the moment, regional international organizations should be excluded for the reasons given by the Special Rapporteur and, more particularly, because of the constitutional difficulties and the diversity of the regional organizations. Such organizations would be free to apply the rules of the future convention if their statutes and rules of procedure permitted and if they so desired.

17. The question of the organization and procedures of diplomatic conferences should be left aside, at least for the time being. There did not seem to be any real need for codification and regulation in that field. The draft on the law of treaties contained, in the part relating to the conclusion of treaties, certain rules which were also valid for conferences. The rules concerning the organization and procedures of diplomatic conferences should be as flexible as possible and be capable of amendment as required. Complete codification might lead to undue rigidity.

18. Referring to the opinion expressed by the Special Rapporteur in paragraph 79 of his second report (A/CN.4/195/Add.1), that representatives of States to organs of international organizations and to international conferences should enjoy privileges and immunities similar to those accorded to permanent missions to international organizations, he said he accepted that view in the main, on condition that the missions referred to were permanent missions of a representative character and that the conferences were diplomatic conferences. But each particular case would have to be considered separately in relation to each article.

19. Like the Special Rapporteur, he thought that theoretical and practical considerations required the Commission to deal at once with the legal position of delegates to conferences held within, or convened by, international organizations. Other conferences were not connected with international organizations, and the Commission would be going beyond the limits of its subject if it concerned itself with them.

20. Mr. USHAKOV congratulated the Special Rapporteur on the way he had accomplished a difficult task. Within the very wide topic of relations between States and inter-governmental organizations, the Commission had already decided to give priority to the question of diplomatic law in its application to those relations. Even that part of the topic was fairly extensive, and the Special Rapporteur had found it necessary to divide it in two: the legal status of the organizations themselves, which would be the subject of a subsequent report, and the legal

status of permanent missions to those organizations, which was dealt with in the reports before the Commission.

21. In his view, the diplomatic law governing relations between States and inter-governmental organizations could have been subdivided further. As he saw it, there were four main subjects: first, the legal status, privileges and immunities of inter-governmental organizations, including their staff; second, the legal status, privileges and immunities of the representatives of member States to the principal and subsidiary organs of such organizations; third, the legal status, privileges and immunities of permanent representatives to organizations; and fourth, the legal status, privileges and immunities of representatives or delegations to international conferences. Conferences could be regarded as temporary organizations, so that the last subject would form part of the diplomatic law of organizations in general. The first subject was not yet ripe for codification, because international organizations were many and varied and because they differed widely in legal status and in their need for privileges and immunities. The second subject was also difficult to codify in view of the great differences between organizations and between their organs. The third subject could and should be codified, and in his opinion the draft should be confined to it.

22. If the Commission decided to deal also with delegations to conferences held under the auspices of, or convened by, international organizations, it would be taking an incomprehensible position, for such conferences were wholly similar to conferences convened in other ways. The diplomatic law of conferences was the same for all conferences. The Commission had already prepared a draft on the legal status of special missions; hence, if it prepared one on the legal status of permanent missions to international organizations, that would leave the legal status of delegations to international conferences to be codified.

23. He could accept, in substance, the title proposed for the draft articles by the Special Rapporteur, on the understanding that, as the Special Rapporteur had explained, the expression "legal position" covered legal status, privileges and immunities. Perhaps a more satisfactory expression could be found, but the Commission was not yet at the drafting stage.

24. The Special Rapporteur had proposed that the scope of the draft articles should be restricted to so-called universal organizations, though that was not a true description. Since the Commission proposed to draw up a general multilateral convention, it would be rather inappropriate to apply it to regional organizations and to organizations which, though not regional, were of a very special character. For practical and political reasons, therefore, it was desirable to confine the scope of the draft articles to organizations of a universal or general character.

25. In short, his view was that the Commission should leave for future consideration the legal status, privileges and immunities of delegations of States to international conferences, and that the draft under discussion should deal only with the legal position of the representatives and missions of States to international organizations of a universal or general character.

26. Mr. RAMANGASOAVINA congratulated the Special Rapporteur on his very comprehensive and instructive reports, which summed up the topic very well.

27. It was probably unnecessary for the Commission to take a final decision on the title of the draft forthwith; when the articles had taken shape it would be easier to find a suitable title for them.

28. He had no objection to the scope of the draft being restricted to universal organizations as a working arrangement which would not preclude subsequent extension to regional international organizations. But he had some misgivings about confining it to permanent representatives. It was true that the representatives of States to the organs of international organizations were often high officials or experts and not representatives in the diplomatic sense of the term, but legally they were nevertheless the representatives of States. The same applied to the plenipotentiaries sent to international conferences. Consequently, the Commission should also consider drafting rules on representatives to international meetings and conferences. If it decided to confine its attention to periodic meetings of organs it would encounter the same difficulties as it had met with in preparing its draft articles on special missions, when the question of defining high-level special missions and ordinary special missions had arisen. An unduly restrictive definition might exclude representatives who fully deserved protection.

29. His conclusion was that for the time being the draft could deal only with the permanent representatives of States to universal international organizations; but the possibility of extending it later to regional international organizations and to the representatives of States to international conferences should not be ruled out.

30. Mr. ROSENNE said that, as he understood it, it had not been the Special Rapporteur's intention, in his replies at the previous meeting, to confront the Commission with a choice between a draft convention and an expository code, such as it had had to make in respect of the law of treaties. The Commission was not now faced with the peculiar intellectual difficulty of drafting a treaty on treaties.

31. The Commission had long been working on the assumption that, on all the topics it studied, it must formulate terse articles suitable for an international convention. It would no doubt proceed in the same way in the present instance, but without prejudice to the recommendation it would make to the General Assembly on the final form the draft should take.

32. One fundamental issue was the place of the present work in the general set of rules relating to the topic. The very thorough Secretariat study on the practice of the United Nations family of organizations (A/CN.4/L.118 and Add.1 and 2) showed that much, if not all, of the law on the subject was contained in a series of particular treaties, in the relevant articles of the Charter, the Statute of the Court, the constituent instruments of international organizations, and agreements concluded in implementation of those provisions.

33. Hence it was not so much a matter of choosing between a convention and a code, as of the relationship between the draft articles and the existing or future prac-

tices of international organizations, which were frequently based on their own constitution and rules of procedure. It was not possible to settle that question yet: the Commission might perhaps be in a better position to do so when it dealt with the matter in more concrete terms during the discussion of article 4 (Nature of the present articles; relationship with the particular rules of international organizations) (A/CN.4/203). It should also be borne in mind that the agreements establishing international organizations and those dealing with their various privileges and immunities were the product of long and arduous negotiations and that they had usually involved a difficult process of ratification.

34. He himself believed that the time had come to evolve a more closely integrated system for the status of different types of representative. There were far too many anomalies: the same person was given different treatment, depending on whether he was acting as a representative in inter-State relations or had been sent to an international conference. The Commission would be performing a useful task if it could introduce some harmony into that branch of the law.

35. With regard to regional organizations, he agreed with the approach adopted by the Special Rapporteur; but the circle of States interested in the topic was by no means limited to the membership of the United Nations. Consequently, when the views of governments were being requested, non-Member States should also be approached. Members of the Commission who had taken part in the recent Vienna Conference on the Law of Treaties would remember that the Swiss delegation had complained that it had been given no opportunity of commenting on the Commission's earlier drafts on that topic.<sup>1</sup>

36. He therefore requested the Secretariat to furnish, before the work on item 2 of the agenda was completed, information on what had been the practice of the Commission in obtaining the views of governments of non-Member States on subjects examined by the Commission.

37. On the question of conferences, his views were very close to those of Sir Humphrey Waldock. Considering that the Commission was working in the general area of diplomatic law, the Special Rapporteur should be encouraged to submit draft articles on representatives to conferences, whether convened by international organizations or not. Where a conference was convened *ad hoc* by a State, it might well be that the rules on special missions should apply.

38. It would be easier for the Commission to take a decision on the matter when it had a complete set of articles before it. In 1964, when the Commission had discussed the question whether it should include a set of articles on the interpretation of treaties in its draft, it had ended by requesting the Special Rapporteur to submit specific articles. It was extremely difficult to take a decision *in vacuo* in such cases.

39. In any event, he doubted whether the difficult question of the organization and procedure of international conferences properly fell within the scope of the present

topic, which related essentially to diplomatic law and not to international organizational matters.

40. Mr. AGO congratulated the Special Rapporteur on having tried to bring order into a subject in which that was the first requirement.

41. Some doubts still remained, however, about the questions to be included or excluded, those which should be taken first and the stages to be passed through. It was not enough to say that the topic should be codified in a convention. While some questions must be studied separately, the Commission should take care not to end up with a series of separate conventions codifying matters which were really related to each other. In any case, the question must be reserved at that stage; the Commission had not yet gone far enough to be able to take a final decision on it.

42. There were two reasons why the Commission had decided to make a separate study of the diplomatic aspect of relations between States and inter-governmental organizations. First, those relations involved subjects of international law whose differences in structure and nature made it impossible simply to apply the diplomatic law of relations between States. Secondly, an international organization was a subject of international law without territory, so that a third party was introduced into its relations with States, namely, the host State. Hence the relationship involved was not really bilateral.

43. The Commission must now consider what should be included in the subjects to be dealt with, and what should be excluded or reserved for later treatment. That question arose in connexion with the representatives of States to international conferences and to the organs of international organizations. The answer was not simple, for there were no clear dividing lines. The word "organ" was ambiguous. For example, was the representative of a State to the Conference and to the Governing Body of the ILO a representative to an "organ"? On the other hand, the United Nations Office at Geneva could be regarded as an organ, yet everyone agreed that permanent missions to the Office should not be placed on the same footing as representatives to an organ. As to international conferences, some of them might have no connexion with an international organization, whereas others really were organs of an international organization.

44. In his opinion, the permanence of the mission was more important than the nature of the organ. He therefore suggested that that criterion should be adopted, and that, for the time being at least, all non-permanent situations should be disregarded, even if they recurred more or less regularly. However dangerous it was to argue by analogy, a relationship could be said to exist, on the one hand, between permanent missions to organizations and diplomatic missions, and on the other hand, between non-permanent delegations to international organizations and special missions.

45. As to the organizations to be included within the scope of the draft articles, he thought they should not be confined to universal organizations; other organizations should also be taken into account. Moreover, organizations could not be clearly distinguished as "universal" and "regional". There were organizations which, though

<sup>1</sup> A/CONF.39/C.1/SR.56.

not universal, went beyond the regional framework. One example was ICEM. In the case of the universal specialized agencies, moreover, there was already a basis—where their relations with States were concerned—which organizations of the other type did not have. The extension to non-universal organizations of the régime applied to the specialized agencies did not always meet with approval, and there then arose a whole series of questions which had to be settled by separate agreements. However, if such an organization had to conclude separate agreements with each of its members, that might result in differences as between one country and another, which would give much trouble to protocol services and ministries of foreign affairs.

46. The Special Rapporteur had proposed that a study should be made of the position of the representatives of States to international organizations, but some thought should also be given to the converse, namely, the position of the representatives of international organizations to States. The future convention would necessarily have to deal with both those aspects of the relations between States and international organizations. The second aspect was complex; the relationship in that case was purely bilateral. He was therefore in agreement with the Special Rapporteur's proposal that the Commission should examine the articles on the position of the representatives of States to international organizations, though it should not exclude organizations that were not universal. But it would then be necessary also to examine the converse problem he had mentioned, and provision might even have to be made for a third part dealing with the position of representatives of an international organization to another international organization.

47. Mr. ALBÓNICO said that the Commission had recognized the need to systematize its ideas on relations between States and inter-governmental organizations, as there were many points about such relations which were still in doubt.

48. Commenting on the Special Rapporteur's discussion of preliminary questions in Part I of document A/CN.4/195/Add.1, he expressed the view that the title of the group of draft articles was purely a matter of form which could be settled later. He was completely in agreement with the Special Rapporteur's views on the form of the draft articles, as set out in Part I.B. With regard to their scope (Part I.C), he noted that there appeared to be agreement that they should cover international organizations of a universal character, but he had no objection to Mr. Ago's suggestion that they should also apply to regional organizations. On the subject of delegations to organs of international organizations and to international conferences (Part I.D) he agreed that the Commission should concern itself with the question stated in paragraph 73, sub-paragraph (i), but not, for the time being, with those in sub-paragraphs (ii) and (iii).

49. He had noted with interest Mr. Ago's suggestion that the draft articles should also cover relations between representatives of international organizations and States, as well as relations between such representatives and other international organizations. The problems raised, however, were very complex, and he doubted whether it would be possible to deal with all of them in a single convention.

It should not be forgotten that there were other important problems, such as that of special missions, which the Commission must consider in connexion with item 2 of the agenda if it was to submit a clear, complete and systematic set of draft articles to the Sixth Committee.

50. Mr. NAGENDRA SINGH thought there were strong reasons for including delegations to international conferences within the scope of the draft articles. Conferences, after all, were the oldest institution for collective international action; their exclusion from the draft articles would imply that they were governed by a different kind of international law from that applied to international organizations. That would be disastrous, since conferences were often a part of the work of international organizations; he need only mention the example of IMCO, which sometimes convened conferences for the purpose of revising maritime legislation, the results of which were subsequently submitted to its General Assembly.

51. He noted that in the introduction to his third report the Special Rapporteur had proposed the inclusion of delegations to conferences convened by international organizations (A/CN.4/203, para. 3), but he (Mr. Nagendra Singh) suggested that the draft articles should be extended to include delegations to all international conferences, whether convened by international organizations or not.

52. With regard to the application of the draft articles to regional organizations (A/CN.4/195/Add.1, Part I.C), he hoped that the Special Rapporteur did not propose to exclude such important members of the United Nations family as the regional economic commissions. In his new article 1 (A/CN.4/203), the Special Rapporteur had defined an "international organization" as "an association of States established by treaty, possessing a constitution and common organs, and having a legal personality distinct from that of the member States". That definition would seem to apply to all international organizations, whether universal or regional. In any case, there was no need to distinguish between universal and regional organizations at the present stage of the debate, since the position of regional organizations was amply safeguarded by the new article 3.

53. Lastly, he agreed with Mr. Ago that the relations of international organizations *inter se* should be codified; he thought, however, that it would be more logical to deal with them in connexion with the privileges and immunities of international organizations as such, rather than in Chapter II, Part II, Section I of the Special Rapporteur's third report (A/CN.4/203).

54. Mr. USHAKOV, replying to the questions raised by Mr. Ago, said that in his opinion, the general rules to be drawn up by the Commission should apply either to all international organizations or only to universal organizations. An intermediate solution should not be adopted. It would be better to confine the draft to universal organizations, since the instrument to be prepared would be a convention by which the signatory States would undertake in advance to accord a certain legal status to permanent missions sent to any international organizations which might be established in their territory. It was not only the existing organizations that must be considered, but also

future organizations. He thought that States would be willing to agree to such a legal status in advance, not for all international organizations of any kind whatsoever, but only for universal organizations.

55. As to the reciprocal relations between States and international organizations, he considered that the two aspects of those relations were very different. In one case the relations were really between the sending State and the host State on whose territory the permanent mission established itself. In the other case — that of the representative of an international organization to a State—the relations were solely between the organization and that State. It was a complex question which in any case could only be considered separately. It would be difficult and undesirable to deal with the two aspects of the subject in a single convention.

56. In his third report, the Special Rapporteur proposed that the draft articles should be divided into four parts. The majority of the Commission seemed to consider it preferable, for the time being, to leave aside the third part, dealing with delegations to organs of international organizations and to conferences. As to the fourth part, which dealt with observers from non-member States, that was a very special problem on which contemporary law and practice did not throw enough light. He therefore doubted whether it would be advisable to consider it together with the other matters. That, however, was only a first impression. When the Special Rapporteur submitted specific articles on the subject, the situation might perhaps have to be reconsidered.

57. Mr. AMADO said that the general debate had given rise to so many suggestions that the situation was confusing. Referring to paragraph 73 (iii) of the second report (A/CN.4/195/Add.1), he observed that the Special Rapporteur had stated with perfect clarity the problem of conferences not convened by international organizations. Either such conferences must be dealt with in the draft articles in conjunction with delegations to conferences convened by international organizations, or the matter must be taken up in connexion with the topic of special missions. The members of the Commission should bear that proposal by the Special Rapporteur in mind.

58. Mr. BARTOŠ asked how it was to be decided whether an organization was universal or not. In his view, it was the origins and purpose of the organization that should be the criterion. For example, an organization which had its source in the United Nations and whose aims were universal should be regarded as universal, even if it had only 40 or 50 member States and even if its direct activities were only regional. That applied to the regional economic commissions, which were not regional organizations, but regional branches of a universal organization.

59. As to permanent missions, they were not even mentioned in the 1946 Convention on the Privileges and Immunities of the United Nations, and it was only at the third session of the General Assembly that a resolution had been devoted to them.<sup>2</sup> In his opinion, it was *ad hoc*

representatives, rather than permanent missions, who were the true representatives of States in United Nations affairs. Permanent missions must of course be dealt with, but the most important thing was that the principal organs of international organizations should be able to function. It was therefore essential to prepare rules on the privileges and immunities of both those kinds of representative.

60. It had been held that the privileges and immunities in question pertained to relations between the State sending the representatives and the State which was host to the organization. The Convention on the Privileges and Immunities of the United Nations, however, related not to a single State—the host State—but to all Member States. The headquarters agreements between States and international organizations were only the practical application of the principles of that Convention and of the Convention on the Privileges and Immunities of the specialized agencies.

61. The main point was the legal position of the organization as such, its status, its capacity and the guarantees provided for its organs and officials to enable them to perform the organization's functions.

62. Furthermore, an organization could establish, away from its headquarters, missions to member States. That was the practice of the United Nations. Under the general régime, the treatment to be given to such missions was at present rather vague. It was made specific by special agreements or exchanges of letters between the international organization and the member State concerned. The question arose whether it was necessary to provide, even conditionally, that if a State allowed an establishment of an international organization to be set up in its territory, that State assumed certain obligations *ipso facto*. In his opinion, that question came within the scope of the first of the Special Rapporteur's four parts. It was a matter, not of formal reciprocity, but of the efficient functioning of organizations which might need to be represented in a member State, though always with that State's agreement.

63. As to observers from non-member States, he was not satisfied with the way things were done in general practice. The doors of some international organizations were closed to observers from certain non-member States for reasons that were more political than legal. He asked that a decision should be taken first on the general question whether all non-member States had the right to send observers to international organizations, without discrimination.

64. Lastly, as to conferences, it was because there was no world parliament that they were convened. In a way, conferences were *ad hoc* organs responsible for settling specific questions. True, the position of representatives of States to such conferences should perhaps be considered separately, and it might be asked whether it should be dealt with in a general convention or in a separate convention; but the problem could not be left aside without finding a sound legal solution for it.

<sup>2</sup> General Assembly resolution 257 (III) A.