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Summary record of the 946th meeting

Topic:
Representation of States in their relations with international organizations

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the suggestion by Mr. Ustor: sub-paragraphs (c) to (i) had indeed been formulated with a permanent mission in mind and he would consider introducing suitable provisions for temporary missions.

77. The provisions of sub-paragraph (a) had been framed to cover the generality of cases; it was not possible to cover every individual case. For instance, although an international organization was primarily an association of States, the membership of such organizations as the UPU included territories which were not States; and there were provisions, such as article 238 of the Rome Treaty of 1957 establishing the European Economic Community, under which an international organization could become a member of another international organization.⁹ It was not possible to formulate a definition covering all those exceptional cases, but in general it was correct to say that an international organization was primarily an association of States. Those remarks were without prejudice to the particular rules of any individual organization.

78. Sir Humphrey WALDOCK said that the usual practice of the Commission was not to discuss the article on the use of terms at any length at the outset; if the discussion of an individual substantive article subsequently raised problems relating to the definition of a concept for the purposes of the draft articles, it was the Commission's practice to discuss that definition then.

79. The complex problems raised by provisions on international organizations had been well illustrated by the impressive array of representatives of such organizations who had just attended the first session of the United Nations Conference on the Law of Treaties at Vienna. Much anxiety had been expressed concerning the provisions of the draft articles on the law of treaties relating to international organizations, and particular anxiety had been expressed by the representative of GATT as to whether his organization was covered by the Commission's definition of an "international organization". Neither the Drafting Committee of the Vienna Conference nor the Committee of the Whole had yet reached any conclusion on the question.

80. Mr. AMADO said he agreed with Mr. Yasseen's remarks, but if a definition clearly emerged at any stage in the discussion, the Commission should retain it.

81. The CHAIRMAN said the general opinion appeared to be that the Commission should follow the course recommended by Sir Humphrey Waldoock and Mr. Amado.
It was so agreed.

The meeting rose at 1.5 p.m.

⁹ See United Nations, *Treaty Series*, vol. 298, p. 92.

946th MEETING

Tuesday, 4 June 1968, at 10 a.m.
Chairman: M. José Maria RUDA

Present: Mr. Albónico, Mr. Amado, Mr. Bartoš, Mr. Castrén, Mr. El-Erian, Mr. Eustathiades, Mr.

Nagendra Singh, Mr. Ramangasoavina, Mr. Reuter, Mr. Rosenne, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldoock, 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)

ARTICLE 1 (Use of terms) (continued)¹

1. The CHAIRMAN invited the Commission to continue consideration of article 1 (A/CN.4/203).

2. Mr. NAGENDRA SINGH said it would be wise to wait until some progress had been made with the substantive articles before taking any decision on the provisions of article 1; but the Commission should, at the present stage, have some idea of the main features of the more important definitions, and in particular of the basic elements of the key expression "international organization".

3. Some of those elements were fairly obvious. First, there was no intention to deal with non-governmental organizations: the draft would be concerned with organizations of States. Secondly, the organization must have its origin in some instrument in written form, usually a constituent instrument in the form of a treaty, although it might also be possible to create an international organization by means of a General Assembly resolution. Thirdly, although an international organization did not have the same kind of personality as a sovereign State, it must have an existence separate from that of its member States. Fourthly, a permanent staff was an essential feature of an international organization: all universal organizations had a secretariat which ensured continuity when the main organs were not in session.

4. In codifying a topic which lent itself to diversity, it was best to lay down general rules covering the majority of cases, and not attempt to deal with every peculiar or exceptional case that might arise. It was that approach which had made Lord Macaulay's Indian Penal Code such a successful piece of codification.

5. He agreed that attention should be concentrated on universal organizations, but urged that regional organizations should not be excluded from the draft altogether. At the recent New Delhi Conference (second session of UNCTAD), the developing countries had stressed the importance they attached to such institutions as the regional economic commissions of the United Nations. Another example of a regional body that should not be excluded from the scope of the draft articles was the Asian-African Legal Consultative Committee, which had a written constitution and consisted of representatives of States. He hoped that the provisions of articles 2 and 3 would not be so drafted as to suggest that representatives

¹ See previous meeting, para. 45.

to that Committee were not entitled to the privileges and immunities provided for in the draft articles.

6. In view of those considerations he urged that the Commission, while taking universal organizations as the model, should not specifically exclude or include any particular category of other organizations.

7. Mr. EL-ERIAN (Special Rapporteur) said that the question of regional organizations would have to be considered when the Commission examined articles 2 and 3. Meanwhile, he wished to point out that the regional economic commissions were not independent international organizations: they were subsidiary organs of the United Nations. The same was true of UNCTAD, which had been established by the General Assembly. Hence those bodies were not excluded from the application of the draft: sub-paragraph (n) of article 1 defined an "organ of an international organization" in sufficiently broad terms to cover all such cases. The Asian-African Legal Consultative Committee was certainly an independent organization.

8. There was, however, no intention to exclude entirely from the application of the rules in the draft articles all organizations other than those of a universal character; the position had been made clear in article 3 (International organizations not within the scope of the present articles).

9. He agreed that it would be wiser not to take a final decision on the various sub-paragraphs of article 1 at that stage, and that for the key term "international organization" it was necessary to take into account any decision that might be reached by the Vienna Conference on the Law of Treaties in 1969. But if that Conference were finally to adopt a provision which defined the term "international organization" merely by stating that it meant an inter-governmental organization, he would not agree to such a definition for the purposes of the present draft articles. In the draft articles on the law of treaties, the definition of an "international organization" was purely incidental; in the present draft, the term "international organization" was one of the key elements and the importance of its definition was equivalent to that of the definition of a "treaty" in the draft articles on the law of treaties.

10. With regard to the various elements he had sought to incorporate in the definition of an "international organization", he had been rather surprised that members should take issue with the proposition that such an organization was an association of States. That element was so essential that the late Sir Hersch Lauterpacht used to speak of an "organization of States" rather than an "international organization".

11. It was also necessary to state that the international organizations with which the draft was concerned were those established by treaty. The Commission should leave outside the scope of its draft the remote case of an international organization that had come into being without a treaty. The establishment of UNCTAD by a General Assembly resolution was not relevant, because UNCTAD was not a specialized agency, but an organ of the United Nations. And although the IAEA had been initially established by a General Assembly resolution, it was significant that the Preparatory Committee respon-

sible for constituting that Agency had prepared a treaty which had become the constituent instrument of IAEA.

12. There was some similarity between his approach and that adopted by the Commission when it had decided that its draft on the law of treaties should deal only with treaties in written form.

13. The provisions of sub-paragraph (j), on the "host State", were necessary because a permanent mission was not accredited to the host State, which was consequently not a receiving State as in bilateral diplomacy. There was good reason to refer, in that sub-paragraph, to "the seat" of an organization; the seat was the place where the secretariat was established. The office premises of a subsidiary organ such as a regional commission of the United Nations were not a "seat". The only organization which had established two main offices was the United Nations, which had its principal headquarters in New York and an Office at Geneva.

14. With regard to the suggested adoption of the definition of "Secretary-General" appearing in the Charter, he pointed out that the language used in sub-paragraph (k) had been intended to cover the executive heads of other international organizations, such as the director-general of a specialized agency.

15. It had been suggested that the wording of sub-paragraph (o) should be broadened so as to cover more than the negotiation and conclusion of treaties and the discussion of relations between States. The Drafting Committee would consider the question of wording; perhaps a formulation which referred to matters of common interest to the States concerned would meet the case.

16. Attention had been drawn to the case in which a permanent mission consisted of only one person; it would be necessary to consider whether the sole member of such a mission could be properly described as its "head".

17. In conclusion, he noted that there was general agreement to retain article 1 and to consider the present discussion as provisional. The Commission would bear the provisions of article 1 in mind when considering the substantive articles.

18. The CHAIRMAN said that, if there were no objection, he would assume that the Commission agreed not to refer article 1 to the Drafting Committee at that stage and to reserve its decision on the article until discussion of the draft had been completed.

It was so agreed.²

ARTICLES 2 and 3

19.

Article 2

Scope of the present articles

The present articles relate to representatives of States to international organizations whose membership is of a universal character.

² For resumption of discussion, see 974th meeting, paras. 34-41, and 986th meeting, paras. 10-60 and 62-87.

Article 3

International organizations not within the scope of the present articles

The fact that the present articles do not relate to international organizations of a regional character shall not affect the application to them of any of the rules set forth in the present articles to which they would be subject independently of these articles,

20. The CHAIRMAN invited the Special Rapporteur to introduce articles 2 and 3, which were closely connected.

21. Mr. EL-ERIAN (Special Rapporteur) said that various methods could be adopted for determining the scope of the draft articles. One was that of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies,³ which identified the organizations covered as the United Nations and the specialized agencies brought into relationship with it in accordance with Articles 57 and 63 of the Charter. That method would have the disadvantage of excluding the IAEA, which was not a specialized agency proper, as well as a number of organizations which were of a universal character but did not belong to the United Nations family: in paragraph 2 of his commentary on articles 2 and 3 he had given a number of examples of such organizations, which included the Bank for International Settlements. For article 2, he had adopted a formulation designed to include universal organizations of that kind.

22. In the light of the discussions in 1963 and 1964, when few members of the Commission had favoured the inclusion of regional organizations, he had confined the scope of the draft to organizations of a universal character. Judging from the statements made during the present discussion, he had the impression that there were now more members who wished regional organizations to be covered.

23. In any case, regional organizations were not completely excluded: article 3 made it clear that the limitation did not affect the application to regional organizations of any of the rules set forth in the articles to which such organizations would be subject independently of those articles. That provision would prevent any misinterpretation: the limitation of the scope of the draft could not be taken to mean that regional organizations were not entitled to the same treatment as universal organizations.

24. There were a number of valid reasons for confining the draft to universal organizations. The first was that they were more homogeneous than regional organizations, which were very heterogeneous in character. On that point, it was sufficient to compare the supra-national European organizations with the typical regional organizations, which had no supra-national element. There were also practical considerations which militated in favour of that limitation. Most of the material for his work had been provided by the specialized agencies, and the draft had therefore been based on the practice of universal organizations.

25. Mr. BARTOŠ said there were two legal situations not covered by the expression "whose membership is of a universal character". First, there were many international organizations membership in which was subject to

certain conditions that States were not always able to satisfy. Some organizations required their members to satisfy geographical conditions. The International Maritime Consultative Organization, for example, required its members to be countries having a coastline or possessing a fleet. Nevertheless, such organizations could be regarded as universal. In his opinion, it was not actual membership that should be the criterion for universality, but the general principle, apparent in the organization's constitution, of admitting all States to membership if possible.

26. Secondly, there were international organizations which were really quasi-universal, but nevertheless excluded certain States. General conventions concluded under their auspices always contained a clause providing that accession was not open to States which had not fulfilled certain conditions, such as being a Member of the United Nations or of certain specified specialized agencies.

27. The formula of universality of membership perhaps contained a sound idea, but the practice of universality was not so general as might be believed. He supported the Special Rapporteur's intention to regard all organizations that were universal as falling within the field of application of the draft articles, but he doubted whether the expression used in article 2 could cover all cases. Perhaps it was not really necessary to exclude all organizations described as regional. Universal international organizations and regional organizations might have certain relations. There were regional organizations which concerned themselves with the maintenance of peace, and whose establishment had been recommended in the Charter of the United Nations. They formed an integral part of the world system for international security and the maintenance of peace, and therefore raised a special problem which required study.

28. In his opinion, it was not the idea stated by the Special Rapporteur that should be reconsidered, but the formula which had been used. Both theory and practice had shown that constitutions of international organizations and treaties were not always open to accession. It might be difficult to distinguish between organizations that were really regional and organizations whose regional nature was due only to the fact that they had originated in the division of a world system.

29. He was very happy to see that Mr. François, a former Chairman of the International Law Commission and the present Secretary-General of the Permanent Court of Arbitration at The Hague, was at the meeting. Besides the latter institution, there was another body at The Hague whose membership provided no indication whether it was really universal: the Hague Conference on Private International Law. Experience had shown, however, that owing to the differences between the various systems of private law, it had not in fact become universal. There was no easy answer to the question whether the Hague Conference was a restricted organization, a regional organization or a universal organization. Great caution must be exercised in trying to define organizations of that kind. The question arose whether the draft articles would apply *ex jure* to such organizations if they wished, or whether they would be applied by analogy as provided in article 3.

³ See United Nations, *Treaty Series*, vol. 33, p. 262.

30. The CHAIRMAN said he was sure all the members of the Commission would wish to join in the welcome extended to Mr. François.

31. Sir Humphrey WALDOCK stressed that it would be a serious mistake to limit the scope of the draft to organizations of a so-called universal character. The attempted distinction between universal and regional organizations was not valid, especially in the context of the present draft. There were a number of very important limited organizations which were not necessarily regional in character.

32. The draft articles under discussion were not intended to lay down imperative rules which must be applied by all organizations. Their purpose was rather to codify general rules which would be applicable where the organization had not made its own rules. Bearing in mind the dispositive character of the draft articles, it was appropriate to base the rules embodied in them on the practice of organizations of the United Nations family, which were of a world-wide character and reflected general concepts. It would be wrong, however, to lay down that those rules applied only to world-wide organizations: that limitation would greatly diminish the value of the draft. There was no sound legal reason in the present context for adopting such a restrictive approach.

33. He was not impressed by the argument of homogeneity. There was no less heterogeneity among universal than among regional organizations. For example, UPU and ILO were very different from each other: the difference between them was no less than that between two regional organizations.

34. There could well be differences between world-wide organizations and other organizations on specific points. With regard to the provisions of article 5, for example, it was not certain that States members of the smaller organizations were always free to establish permanent missions without the assent of the organization concerned; but at least two important regional organizations had the institution of permanent missions.

35. Mr. CASTRÉN thought it would be better for the time being to confine the scope of the draft articles to the organizations described as universal or general. The wording of article 3 might perhaps be broadened, however, so as to make it easier to apply the draft articles to regional organizations.

36. He agreed with Mr. Bartoš that the words "whose membership is of a universal character" were imprecise and too broad in meaning. There were only a few organizations open to all States, and even the United Nations Charter imposed restrictions in regard to membership. He thought the English wording was more flexible than the French ("*ouvertes à l'adhésion universelle*").

37. In his opinion, the text of articles 2 and 3, though satisfactory, could be improved.

38. Mr. USHAKOV said he thought that for the time being the draft should be confined to relations between States and international organizations. The Commission should base itself on existing practice in regard to international organizations.

39. The expression "representatives of States" was not defined in article 1. The Special Rapporteur had used that

expression in article 2 because he had wished to show that the draft applied to all representatives—both representatives of States to international organizations and representatives of States taking part in conferences. But it was a new expression, and it would be better in the context to speak, not of "representatives of States", but of "relations between States and inter-governmental organizations" or "international organizations in general".

40. The expression "whose membership is of a universal character" was not readily comprehensible to jurists, because there was no legal definition of an international organization, though no doubt it was obvious to members of the Commission that the organizations concerned were international organizations like the United Nations and the specialized agencies.

41. Article 3 referred to regional organizations, but it was not possible simply to divide international organizations in general into universal and regional organizations; for there were other organizations which were neither universal nor regional. Furthermore, if international organizations of a regional character were mentioned, they would have to be defined, and that would raise many difficulties. In his opinion, the expression "international organizations of a regional character" in article 3 should be replaced by "all other international organizations".

42. The Commission should provisionally approve the ideas expressed in articles 2 and 3 and then, after considering the whole draft, revert to the question whether the draft articles should be confined to international organizations or should also apply to other organizations.

43. Mr. USTOR said that where privileges and immunities were concerned, the real dividing line was not between universal and regional organizations, but between organizations of the United Nations family and all other organizations. The system of privileges and immunities was much better developed within the United Nations family than in organizations outside it, whether world-wide or regional.

44. He appreciated the Special Rapporteur's desire to cover such organizations as the Bank for International Settlements and the other organizations mentioned in paragraph 2 of the commentary. But the information available to the Commission on those organizations was scanty; his own experience was that the privileges and immunities of representatives to them were generally less than those of representatives to the specialized agencies. In many cases, there were actually no instruments to regulate those privileges and immunities. He therefore foresaw difficulties if it was decided to cover such organizations in the draft. The provisions of the draft were based on the material available on the United Nations system and that system accorded fairly extensive privileges and immunities, which States might be reluctant to grant to organizations outside it.

45. He suggested that the Secretariat should prepare a study on the privileges and immunities of organizations outside the United Nations system.

46. Mr. YASSEEN said he supported the idea underlying the two articles. The Commission should concern itself solely with organizations whose membership was

of a universal character. The more restricted organizations were characterized by common interests of a special nature, which set them apart from the others and prevented the same regime from being applied to them. In any event, the drafting of a convention relating to universal organizations would facilitate the drafting of a convention or protocol on restricted organizations. It should be noted that bodies such as the Economic Commission for Asia and the Far East were not excluded from the application of the proposed rules, for those United Nations organs were not regarded as regional organizations.

47. He thought perhaps the word "general" should be substituted for "universal" to describe the type of organization referred to.

48. Lastly, he supported the principle stated in article 3, for it was necessary to provide for the possibility of applying certain rules in the draft articles to organizations not of a universal character, by virtue of some other source of international law, which might be a particular treaty or a local custom. The drafting of the article should perhaps be reviewed, however.

49. Mr. EUSTATHIADES pointed out that the expression "*ouvertes à l'adhésion universelle*", which appeared in the French text of article 2, had not been used in the commentary; there, the words "*de caractère universel*" were used, which corresponded to the English text of article 2.

50. The Commission merely wished to emphasize that it was dealing only with organizations of a universal character. But the term used in French went further: it laid down a criterion. If a criterion had to be adopted, that one was too restrictive. He was not in a position to propose a broader criterion at that stage. In pre-United Nations practice, however, there were references to organizations which had a universal mission, that was to say, organizations which were either open to universal membership or had a world-wide purpose.

51. He agreed with Mr. Ushakov that it would be better to avoid having to define regional organizations. Reference could, for example, be made to organizations other than those referred to in article 1.

52. He thought it illogical to place the provision in article 3 at the beginning of the draft; unless the Commission was bound by precedents to the contrary, it could be transferred to the end.

53. Mr. AMADO said he supported the proposal to transfer the provision in article 3 to the end of the draft. Apart from that, he found himself in a quandary. The Special Rapporteur had produced an exceptionally thorough piece of work. It was difficult to decide which plants to select from such a well-stocked nursery for the garden to be laid out. In any event, he thought it was more important to specify which were the applicable rules than to give definitions. It was also preferable to follow the language of the practice as closely as possible. Nevertheless, it must not be forgotten that words did not always have the same meaning in ordinary language as they did in law. For instance, the word "genocide" was often used in the Press to denote a great slaughter, whereas it had other connotations than the massacre of a large number of people.

54. The CHAIRMAN, speaking as a member of the Commission, said that in his opinion the Commission should concentrate on international organizations of a universal character, while not excluding regional organizations *a priori*. After all, it was dealing with the problem of representatives of States to international organizations, and it was really immaterial whether they were representatives to universal or regional organizations. The distinction was unimportant, especially as it was not easy to define a region as such. In the case of a continental organization such as the Organization of American States, which included several English-speaking members, was the region in question only Latin America or the whole American continent, north and south? The Commission was, in fact, confronted with a great many international organizations of the most heterogeneous kinds, but it could hardly be said that there was any difference in the status of representatives to them.

55. After careful consideration, therefore, he was inclined to think that articles 2 and 3 should be deleted, since the legal position of the various international organizations was amply safeguarded by article 4.

56. Sir Humphrey WALDOCK said he feared that if the Commission retained articles 2 and 3 it would, in effect, be revising the provisions of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies. The best solution would be to delete those articles, or at least to keep them in reserve until the whole draft had been completed. If it ultimately seemed necessary to restrict the operation of the draft articles, the Commission could always resort to such provisions as articles 2 and 3, but for the time being it should proceed boldly to a general codification of the international law on the subject under study. It had already been concerned with that subject for over five years and it should not hesitate to use its initiative.

57. Mr. ROSENNE said that he shared the views of the Chairman and Sir Humphrey Waldock; he did not think that the draft would be deficient if articles 2 and 3 were dropped or at least kept in reserve. Since, as Sir Humphrey Waldock had pointed out earlier, the Commission was drafting residuary rules to cover cases in which no rules at present existed, the key article was article 4, which should be placed at the beginning of the draft.

58. Mr. BARTOŠ thought that articles 2 and 3 could be retained with the necessary substantive changes. The Convention relating to the specialized agencies consisted of standard clauses and annexes. The latter allowed States to accept the rules laid down in the Convention with respect to some specialized agencies, while assuming no obligation with respect to others. A similar system might be adopted for the draft under discussion. A sole article might specify that the rules were applicable to organizations with a universal mission and a list might be annexed of the international organizations to which the articles would apply in the absence of reservations by States. There would thus be a single set of rules, but the scope of their application would vary according to the obligations assumed by States.

59. It would in fact be very difficult to find a common denominator, from the point of view of both States and organizations. For example, there were international

organizations which were regarded by some States as preserving peace, but by others as threatening it. And the powers of inspection enjoyed by ILO inspectors in the territory of member States were much wider than those of United Nations investigators. The Commission must take those different attitudes and situations into account and not destroy what already existed.

60. He thought that a sole article, complemented by annexes in which States would indicate the international organizations to which they proposed to apply the rules of the convention, would have the advantage of providing the necessary flexibility.

61. Mr. NAGENDRA SINGH thought that the adoption of Mr. Bartoš's suggestion would have a restrictive effect and make the Commission's efforts at codification incomplete. No attempt had been made to annex such a list to the draft articles on special missions, although such missions were even more multifarious in nature than permanent missions. Most members seemed to feel strongly that the Commission should concentrate on organizations of world-wide scope and not deal with regional organizations. Since the position of particular organizations was covered by article 4, he agreed that articles 2 and 3 should be kept in reserve and discussed later if they appeared to be needed.

62. Mr. ALBÓNICO supported the suggestion that articles 2 and 3 should be kept in reserve and Mr. Rosenne's suggestion that article 4 should be placed at the beginning of the draft. Any discussion of what were regional and what were universal organizations was purely academic; it would be better, as Mr. Amado had said, to avoid questions of theory and to try to draft concrete rules.

63. Mr. ROSENNE said he found it difficult to understand by what criteria the Commission could be guided in drawing up the list of organizations suggested by Mr. Bartoš. He feared that the problem of defining international organizations was deflecting the Commission from its true purpose, which was to complete the law of diplomatic relations. After all, the Commission was concerned with representatives of States who were accredited to something other than a State, a situation in which, as Mr. Ago had said, the element of reciprocity was lacking. It should therefore try to codify the international law governing that situation and not lose itself in marginal problems involving delicate questions of definition.

64. Sir Humphrey WALDOCK, referring to article 4, suggested that the Special Rapporteur might consider whether it would be useful to introduce a provision similar to that of article X, Section 34, of the Convention on the Privileges and Immunities of the Specialized Agencies, which read: "The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument".

65. Mr. USTOR said that there were two kinds of international organizations: those belonging to the United Nations family and the others. The law governing the privileges and immunities of members of the United Nations family was fairly well developed, but the position of the organizations outside it was less clearly defined.

From a doctrinal point of view, the Commission might do well to adopt the system in use in the United Nations family, but it was questionable whether States would be prepared to grant the same privileges and immunities to representatives to organizations outside the United Nations family. He himself favoured a convention with uniform rules, but one which would be sufficiently flexible to allow States to accede to it without having to grant the same privileges and immunities to all organizations.

The meeting rose at 1.5 p.m.

947th MEETING

Wednesday, 5 June 1968, at 10 a.m.

Chairman: Mr. José Maria RUDA

Present: Mr. Ago, Mr. Albónico, Mr. Amado, Mr. Bartoš, Mr. Castrén, Mr. El-Erian, Mr. Eustathiades, Mr. Jiménez de Aréchaga, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Reuter, Mr. Rosenne, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldoock, 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)

ARTICLE 2 (Scope of the present articles) (continued) and

ARTICLE 3 (International organizations not within the scope of the present articles) (continued)¹

1. Mr. CASTRÉN, referring to the proposals made at the previous meeting, said he still thought that articles 2 and 3 were necessary, though he would have no objection to their discussion being postponed until the Commission had completed its study of the various substantive rules in the draft. As to the position of articles 2 and 3, if they were retained, he thought it should be at the beginning of the draft.

2. Mr. Ushakov had proposed that article 2 should refer, not to representatives of States, but to relations between States and international organizations.² But the Special Rapporteur, with the Commission's agreement, had confined his draft to the legal position of representatives of States to international organizations and conferences. Mr. Ushakov's formula was therefore too broad.

3. Mr. Ushakov had also proposed that in article 3 the words "international organizations of a regional charac-

¹ See previous meeting, para. 19.

² *Ibid.* para. 39.