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Summary record of the 954th meeting

Topic:
Representation of States in their relations with international organizations

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954th MEETING

Friday, 14 June 1968, at 10.10 a.m.

Chairman: Mr. Erik CASTRÉN

Present: Mr. Albónico, Mr. Amado, Mr. Bartoš, Mr. El-Erian, Mr. Kearney, Mr. Ramangasoavina, Mr. Reuter, Mr. Rosenne, Mr. Tammes, Mr. Ushakov, Mr. Ustor, 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)

ARTICLES 10 and 11 (Accreditation of the permanent representative)

1. *Article 10*

1. The credentials of the permanent representative shall be issued either by the Head of the State or by the Head of Government or by the Minister of Foreign Affairs, and shall be transmitted to the Secretary-General.

2. The Secretary-General shall submit, at each regular session of the General Assembly or any other organ designated for this purpose in accordance with the rule applicable in the organization concerned, a report on the credentials of the permanent representatives accredited to the organization.

2. *Article 11*

1. Member States desiring their permanent representatives to represent them on one or more of the organs of the organization should specify the organs in the credentials submitted to the Secretary-General.

2. Subject to the rules of procedure of the organization concerned and unless the credentials of the permanent representative provide otherwise, the permanent representative shall represent the sending State in the different organs of the organization.

3. The CHAIRMAN suggested that the Commission consider articles 10 and 11 together, since they were closely connected and it might perhaps be desirable to combine them in a single article.

It was so agreed.

4. Mr. EL-ERIAN (Special Rapporteur), introducing articles 10 and 11, read out the most important parts of his commentary (A/CN.4/203/Add.1) and, in connexion with article 10, drew particular attention to three problems: first, the meaning of the term "credentials"; second, the authority by which they were issued; and third, the authority to which they were transmitted. With regard to the last problem, he said there was no consistent practice in international organizations, with the exception of the United Nations.

5. The purpose of article 11, paragraph 2, was to establish a residuary rule for cases in which the permanent representative's authority to represent his State was not restricted to certain organs. Such a rule would be of some

practical utility, since there might be emergency meetings of organs to which the permanent representative was not specifically accredited. In such cases, he should be assumed to possess the necessary capacity to represent his State.

6. Mr. KEARNEY said that a number of problems occurred to him in connexion with article 10. Article 13 of the Special Rapporteur's draft (A/CN.4/203/Add.2), concerning the composition of the permanent mission, stated that: "A permanent mission consists of one or more representatives of the sending State..."; should it not, then, be made clear in paragraph 1 of article 10 that there might be "one or more" permanent representatives, since, in practice, missions existed which comprised more than one permanent representative?

7. Paragraph 2 of article 10 provided that the Secretary-General was to report on the credentials of the permanent representatives at each regular session of the General Assembly or of any other organ designated for that purpose. If the credentials of the permanent representative were made out for an indefinite period, did that mean that, once submitted, they remained valid until the representative was replaced, or did they have to be renewed for each reporting period?

8. Moreover, while recognizing that the words "a report on the credentials of the permanent representatives accredited to the organization" might be hallowed by United Nations practice, he doubted whether they were an accurate description of what the Secretary-General was actually empowered to do. The Special Rapporteur seemed to assume that the report would be a purely factual one, but there was nothing in the language of the article to prevent the Secretary-General from interpreting it as empowering him to discuss the legal validity of the credentials, whether they were properly signed, and so on. It might, therefore, be desirable to put a stricter limitation on the Secretary-General's reporting function. Alternatively, the Commission could permit the reporting function to be regulated by the rules of the different organizations.

9. In article 11 there seemed to be a conflict between paragraphs 1 and 2. Paragraph 1 stated that "Member States desiring their permanent representatives to represent them on one or more of the organs... should specify the organs in the credentials..."; while paragraph 2 provided that "... unless the credentials of the permanent representative provide otherwise, the permanent representative shall represent the sending State in the different organs...". If the organs in question were not "specified", as required in paragraph 1, was paragraph 2 intended to override the rule laid down in paragraph 1? In his opinion, the State should specify the organs to which its permanent representatives were accredited. It would then be questionable whether paragraph 2 was necessary at all.

10. Paragraph 2 also gave rise to a number of mechanical problems. For example, if a State wanted to replace its permanent representative in a particular organ by a special representative, would it have to alter the credentials of the permanent representative, or would they be superseded by the credentials subsequently issued to the special representative? And if the permanent representative's credentials were so superseded, would that be only

in respect of the particular organ in question, or would it have a further effect? In other words, could the permanent representative's replacement in one organ affect his status in others? It would seem that, under paragraph 2, permanent representatives could only be replaced by withdrawing their credentials and issuing new ones.

11. Again, what would be the situation under paragraph 2 if there were several permanent representatives? Could they represent their State in all organs of the organization? Would it be necessary to change the credentials of all the permanent representatives if a special representative were appointed? In view of all those mechanical problems, which it would be difficult to eliminate, he was inclined to think that the Commission should rely on paragraph 1 and not attempt to include a residuary rule.

12. Mr. AMADO said he was not sure what meaning should be attached to the expression "a report on the credentials of the permanent representatives accredited to the organization", in article 10, paragraph 2.

13. He had listened with interest to Mr. Kearney's comments. In article 11, paragraph 1, the Special Rapporteur had certainly codified existing law, but in paragraph 2 he had gone further, moving into the realm of the progressive development of international law by laying down a residuary rule which established a presumption in favour of the credentials of the permanent representative. Such residuary rules could lead to reservations. In any event, he hoped that the discussion would throw some light on the rule.

14. Mr. USHAKOV said he was in favour of articles 10 and 11, though he had some comments to make.

15. First, it would be better to delete article 10, paragraph 2, since the signatories of the future convention could not oblige every organization to observe such a rule, which concerned the internal affairs of organizations. It was for each organization to decide whether a report should be made, who should make it and to which organ it should be submitted. To some extent, paragraph 2 represented an interference in the internal affairs of organizations.

16. Secondly, in article 10, paragraph 1, it might be necessary to extend the circle of national organs empowered to issue credentials to permanent representatives. Following the example of article 13, of the Vienna Convention on Diplomatic Relations,¹ the words "or such other minister as may be agreed, in accordance with the practice prevailing in the organization" could be added after the words "Minister of Foreign Affairs". The words "and shall be transmitted to the Secretary-General" should be replaced by the words "and shall be transmitted to the competent organ of the organization". Not all organizations had a secretary-general, and it was for the organization itself to decide which organ was competent.

17. Paragraph 2 of article 11 could perhaps be deleted, because under paragraph 1, member States were free to specify that their permanent representative was authorized to represent them in the organs of the organization.

He had no firm view on that point, however, and he would not be opposed to the retention of paragraph 2, which provided for a kind of automatic representation in all organs when a representative's credentials were not limited to any particular organ.

18. Mr. ALBÓNICO said that article 10, paragraph 1, seemed to trespass on the domestic jurisdiction of the sending State, in that it specified which authorities could issue credentials. That was a matter for internal law. If the Commission wished to follow the practice of international organizations, it should refer to credentials issued by the internal authorities of a State. Paragraph 2 called for no comment and he could accept it.

19. With regard to article 11, he agreed with Mr. Kearney that there was a clear contradiction between paragraphs 1 and 2. He proposed, therefore, that paragraph 1 be deleted; paragraph 2 was sufficient in itself to establish the general rule. The permanent representative would be assumed to have broad, general credentials empowering him to represent the sending State in any organ of the organization, subject only to two kinds of restriction: those contained in the rules of procedure of the organization and those contained in his credentials.

20. Mr. ROSENNE said that in dealing with articles 10 and 11 the Commission should keep firmly in mind the title of the articles: "Accreditation of the Permanent Representative". As defined in article 1 (c) (A/CN.4/203), the permanent representative was "the person charged by the sending State with the duty of acting as the head of a permanent mission". Even in the United Nations, where some States were represented by different persons in different organs, each State had only one recognized head of its permanent mission as such.

21. Articles 10 and 11 should be combined in a single article.

22. He agreed in general with article 10, paragraph 1, but thought it should be made clear that it dealt with credentials from the point of view of international law, not of internal law, since the latter varied considerably between States. In certain organizations, credentials were sometimes issued by a ministry of the sending State; that was an exception, however, and could be covered by an appropriate provision in article 4.

23. Paragraph 2 of article 10 should be deleted, since it might change the intended effect of General Assembly resolution 257 A (III). It should be noted that the Secretary-General's report on Permanent Missions to the United Nations² was not a report on the credentials of those missions. It did not say that their credentials had been examined and found to be in proper form, but merely presented certain statistics. More detailed information was regularly published in the Journal and the press releases issued at Headquarters. He was not clear what function was performed by those reports of the Secretary-General.

24. Concerning the practice of the specialized agencies with respect to reports on credentials, he drew attention to Part One, B, Chapter I, section 4 of the Secretariat's study (A/CN.4/L.118), which showed that the practice of

¹ See United Nations, *Treaty Series*, vol. 500, p. 104.

² A/7000.

the United Nations in the matter of reports by the Secretary-General on permanent missions was not normally followed in the specialized agencies.

25. With regard to article 11, he proposed that paragraph 1 be deleted, since basically the two paragraphs said the same thing. Paragraph 2 could be redrafted to take account of those elements in paragraph 1 which should be retained.

26. He favoured combining articles 10 and 11 in a single article, because it was in the best interests of the Commission itself to draft terse articles and to keep their number as small as possible. That would also facilitate examination of the draft articles by governments and by the Sixth Committee.

27. Mr. USTOR said that the present draft articles would constitute the fourth in a series of international conventions. In none of the three previous conventions, however, had there been a provision prescribing which authority was empowered to issue credentials. That was not a problem in diplomatic relations, where the competent authority was the Head of State, but the situation was different in the case of consular appointments and special missions. But if it had not been considered necessary to state which authority should issue credentials to consuls and special missions, he could see no valid reason for such a strict provision as article 10, paragraph 1, especially in view of the diversity in the practice of international organizations. Nothing would be lost by deleting paragraph 1, since the point was already covered by article 4.

28. The essence of paragraph 2 was that the Secretary-General had to inform member States of accreditations to the organization and of any changes in them. He was not entirely sure that paragraph 2 was necessary either.

29. On the whole, he was in favour of article 11, because member States had the right to restrict their permanent representatives to certain organs, as provided in paragraph 1, and it was clearly necessary to have some sort of residuary rule, such as that in paragraph 2.

30. Mr. REUTER said the Commission should accept that it could not trespass on the domains of constitutional law or of the law of international organizations. The articles could do no more than lay down residuary rules; it was impossible to go any further.

31. That being so, he too thought that the words "to the Secretary-General" in article 10, paragraph 1, should be replaced by the words "to the competent authority of the organization". It was for the international organization to say which organ was competent.

32. But article 10, paragraph 1 raised another and more important question. The Special Rapporteur pointed out in his commentary that, in the case of one or two specialized agencies, the credentials of permanent representatives might also be issued by the member of government responsible for the department which corresponded to the field of competence of the organization concerned. In internal law, diplomatic centralization or decentralization was a highly political question. Hence, if the Commission was to formulate a workable rule, it should perhaps include in the article a provision stipulating that

the Minister for Foreign Affairs was required to notify the competent authority of each organization which national organs were empowered to issue the credentials of permanent representatives. It might be objected that in some cases the rules of the organization itself specified who was authorized to issue such credentials. But constitutional structures might change from one government to another, and a particular branch of activity might sometimes come under one ministry and sometimes under another. Yet even in such circumstances, the rule he had proposed would still be useful.

33. He agreed that article 10, paragraph 2, should be deleted.

34. As to the form of article 11, the drafting should be framed on the residuary rule stated in paragraph 2. Paragraph 1 would probably have to go. The article could then begin with the words: "Except as otherwise specified by the authority empowered to issue the credentials...". The words "rules of procedure" should be replaced by the words "pertinent rules of the organization", since provisions of that kind might appear elsewhere than in the rules of procedure: in the organization's constituent instrument, for instance.

35. With regard to the substance of the article, the question was whether or not the residuary rule should be adopted. He would be inclined to accept it in the form of a presumption in favour of the credentials of the permanent representative.

36. Mr. BARTOŠ said that, in principle, he was in favour of articles 10 and 11, which reflected United Nations practice; but he had certain reservations concerning both the form and the substance of those articles.

37. With regard to article 10, he thought that, on the lines of Mr. Ushakov's proposal, the reference to the Minister for Foreign Affairs in paragraph 1 should be followed by some such phrase such as: "or by any other authority of the country which is competent under its national law and is accepted by the organization". There was no reason to follow the precedent of the Vienna Convention on Diplomatic Relations, because the sole reason why a formula of that kind had been included at Vienna was to solve a problem peculiar to the Commonwealth countries. Such an addition to the draft was justified for practical reasons, since some international organizations preferred to have direct relations with the government department competent for the branch of activity with which the international organization was concerned.

38. He did not think the reference to the Secretary-General, in paragraph 1, was a mistake on the part of the Special Rapporteur, because the term "secretary-general" was defined in article 1, sub-paragraph (k), as meaning "the principal executive official of the international organization in question whether designated 'secretary-general', 'director-general' or otherwise". Moreover, in United Nations practice, it was the Secretary-General who was competent to receive the credentials of representatives of States, even including those of their representatives to the Security Council. Only communications requesting a meeting of the Security Council could be addressed direct to its President.

39. In paragraph 2, he proposed that the word “regular” be deleted: there was no reason for any different procedure for special sessions, for which information about the credentials of permanent representatives could be equally necessary. And, in the same paragraph, the words “or its organs” should be added after the words “to the organization”.

40. With regard to article 11, he did not think there was so much difference between the two paragraphs that they could not be combined. Paragraph 1 provided that the State could specify in the credentials of its permanent representative that he represented it in one or more organs of the organization. Paragraph 2 meant that in the absence of such a statement in the credentials, the presumption was that the permanent representative was authorized to represent the State in all the organs of the organization, provided that the rules of the organization did not call for special full powers. He was not opposed to the amalgamation of the two articles, provided the resulting text was not too long. That was a matter of drafting. But all the elements in the two articles should be retained, and supplemented by those ideas put forward during the discussion that were soundly based on practice.

41. The reason why the Special Rapporteur had referred to the “rules of procedure of the organization” was that the question of representatives’ credentials was nearly always dealt with in the rules of procedure of an organization, not in its constituent instrument. The only case in which provision was made elsewhere was that of permanent missions to the United Nations, which was the subject of General Assembly resolution 257 (III) A. That case showed that the expression “pertinent rules”, proposed by Mr. Reuter, would also be suitable.

42. Articles 10 and 11, either separately or as a single article, were useful and necessary, and he proposed that they should be referred to the Drafting Committee for rewording in the light of the comments made.

43. Mr. RAMANGASOAVINA said that the term “credentials” was used in two different senses in the two articles.

44. In article 10, it denoted the instrument attesting that the permanent representative enjoyed the confidence of the sending State. Paragraph 1 was fully justified and could be retained, subject to one or two modifications to allow for the practice of certain States where credentials could be issued by an authority other than those specified in the text. Paragraph 2 was also justified, because after stipulating which authority was to issue the credentials, the article should obviously specify the person to whom they were to be addressed. In diplomatic relations, that person, in the case of an ambassador, was the Head of State. But an international organization was not a State, and a secretary-general was in a different position from a Head of State. In point of fact, the credentials of permanent representatives to the United Nations were addressed to the General Assembly, and, because the Assembly could not examine them as and when they were transmitted to it, the Secretary-General was made responsible for collecting the credentials and submitting them to it annually.

45. In article 11, the term “credentials” denoted the competence of the permanent representative. The substance of the article was satisfactory, but its wording could be altered so as to state the general case first and the exception afterwards, instead of the reverse. The article should first state that the competence of the permanent representative was general and then say that exceptions were possible, by virtue either of the rules of the organization or of a decision by the sending State.

46. Mr. USHAKOV said he wished to explain his position in regard to article 11, paragraph 2. He was not opposed to the presumption that the permanent representative had competence to represent the State in the different organs of the organization; but he thought that competence depended solely on the will of the sending State, which could charge its permanent representative with representing it in all the organs of the organization or only in some of them. The will of the sending State could not be made subject to the organization’s rules, no matter whether they took the form of rules of procedure or were laid down in a constituent instrument. In his opinion, the words “Subject to the rules of procedure of the organization concerned” should therefore be deleted.

47. The CHAIRMAN,* speaking as a member of the Commission, said he thought articles 10 and 11 could be condensed and merged into a single article.

48. From the drafting point of view, he could accept the use of the terms “*pouvoirs*” in French and “credentials” in English, and he endorsed the observations made by the Special Rapporteur in paragraphs 1, 2 and 3 of the commentary.

49. He suggested the addition of the words “of the organization concerned” at the end of article 10, paragraph 1, or, which would perhaps be preferable, the adoption of the wording proposed by Mr. Ushakov: “and shall be transmitted to the competent organ of the organization”.

50. Having regard to paragraph 4 of the commentary, he supported the suggestion made by several members of the Commission that article 10, paragraph 1, should be supplemented by specifying that the credentials of the permanent representative could be issued by a competent authority other than those mentioned: by some other Ministry, for example.

51. Article 10, paragraph 2, dealt with a secondary matter, which might perhaps be more appropriately covered in the rules of procedure of the organs of organizations than in a general convention. He therefore proposed that it be deleted.

52. In article 11 there seemed to be a contradiction between the two paragraphs, which several members had already noted. Paragraph 1, which, according to the commentary, reflected general practice, provided that member States desiring their permanent representatives to represent them in one or more organs should specify those organs in the credentials submitted to the secretary-general. Paragraph 2 stipulated, with provisos, that the credentials of permanent representatives were valid for all the organs of the organization.

* Mr. Castrén.

53. In paragraph 8 of his commentary, the Special Rapporteur explained that article 11, paragraph 2, established, as a residuary rule, a presumption in favour of the general competence of permanent representatives. He, personally, thought that paragraph 2 really contained an independent rule, which would lose some of its force with the application of the rule stated in paragraph 1 as the principal rule.

54. It was therefore necessary to choose between those two rules. He preferred the rule stated in paragraph 2; it was simpler, more flexible and, by virtue of its second proviso, offered adequate safeguards for the freedom of the sending State.

55. He accepted the wording proposed by Mr. Reuter and himself proposed the deletion of paragraph 1. Instead of two articles, in four paragraphs, there would then be only a single article consisting of article 10, paragraph 1, and article 11, paragraph 2.

56. Mr. BARTOŠ said that he could not see any real contradiction between the two paragraphs of article 11, though there was some repetition. Paragraph 2 should be retained, and be modified to indicate that the State could specify, in the credentials, the organs in which it wished to be represented by its permanent representative. If the organs were not so specified and, provided that the rules of the organization did not otherwise direct, it was presumed in paragraph 2 that the State would wish its permanent representative to represent it in all organs of the organization. That was an explanation, not a contradiction.

57. The CHAIRMAN said the Drafting Committee would probably be able to overcome the difficulty raised by paragraphs 1 and 2 of article 11.

58. Mr. EL-ERIAN (Special Rapporteur) said he would reply first to the various points raised with regard to article 10.

59. The rule in paragraph 1 had been criticized as unduly restrictive. The paragraph had in fact been modelled on the terms of General Assembly resolution 257 A(III) and the rules of procedure of the General Assembly. It was true that some of the technical specialized agencies had their own particular rules on the issuance of credentials by Ministers other than the Minister for Foreign Affairs, but such cases were rare. Regional organizations conformed with the general pattern, in that credentials were issued either by the Head of the State or by the Head of Government or by the Minister for Foreign Affairs.

60. However, he was prepared to accept the transfer to the text of the article, from the last sentence of paragraph 4 of the commentary, of the idea that credentials could also be issued by "any other appropriate authority". The introduction of those words, in response to the wishes of a number of members, would help to remove some of the difficulties to which attention had been drawn by Mr. Kearney.

61. There had been some objection to the concluding passage of paragraph 1, which required credentials to be "transmitted to the secretary-general". First, the term "secretary-general" must, as stated in sub-paragraph (k) of article 1 (Use of terms), be understood as meaning the

principal executive official of the organization, whatever his title. Secondly, the draft articles were intended to reflect the general practice, and virtually all international organizations had a principal executive official. Liaison with that official was the main task of permanent missions, and indeed the very reason for their existence. The secretary-general was the only organ of an organization having continuity; all the other organs met periodically. Since the secretary-general was thus the only organ capable of maintaining contact with the permanent missions, it was useful to generalize the United Nations rule of transmitting credentials to him.

62. The central purpose of paragraph 2, as pointed out by Mr. Ustor, was to specify that the information in question must be conveyed to all member States, and the proper channel for doing so was the organ of general competence of the organization. It was therefore appropriate to lay down the rule in paragraph 2 that the Secretary-General must submit the information on credentials to the General Assembly, or to the corresponding organ of the international organization concerned; in the case of the International Labour Organisation, it would be to the International Labour Conference.

63. He agreed that the provisions of paragraph 2 should be made more flexible and, in particular, that the reporting need not be annual; recasting the provisions on those lines would meet the point raised by Mr. Kearney.

64. Mr. Ushakov had raised the objection that the present draft could not properly impose obligations upon an organization as such. The position in that respect was not in fact so clear-cut. The 1946 Convention on the Privileges and Immunities of the United Nations³ contained certain provisions which imposed obligations on the organization itself, and the same was true of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies.⁴ Those conventions even made provision for the settlement of disputes concerning their interpretation which might arise between the organization and a member State. A particularly interesting point was that they constituted the only cases in which an advisory opinion of the International Court of Justice was binding.

65. Those examples showed how obligations could be imposed on an organization by a treaty to which the organization itself was not a party, but which had been concluded by its member States. Consequently, although he agreed that it was undesirable for the draft articles to enter into matters relating to the internal administration of an organization, there was no reason to rule out a provision like article 10, paragraph 2, simply because it might place obligations upon the organization. In the present instance, he did not believe that any difficulty would arise from specifying that the principal executive official of the organization was required to furnish the organ of general competence with information on credentials.

66. The purpose of paragraph 6 of the commentary was to explain that, while article 10 regulated the question of the accreditation of permanent representatives to the secretary-general, article 11 regulated their position in the

³ See United Nations, *Treaty Series*, vol. 1, p. 16.

⁴ *Op. cit.*, vol. 33, p. 262.

various organs of the organization. Article 11 dealt with the question of representation, and its provisions should allay the fears expressed during the discussion of article 6 (Functions of a permanent mission), in particular, regarding sub-paragraph (b) which specified the function of representation.

67. With regard to the relationship between paragraphs 1 and 2 of article 11, he had had to choose between a number of possibilities. One was to take the principle of general competence embodied in paragraph 2 and state it as the general rule; but such a formulation would have gone too far. He had therefore taken as his point of departure the idea that it was for the sending State to decide on the organs in which the permanent representative was entitled to represent it and he had embodied that idea in paragraph 1. In paragraph 2, he had endeavoured to consolidate the present tendency of States to give general competence to permanent missions. In the Secretary-General's 1967 report on Permanent Missions, it was recorded that no less than 81 Member States of the United Nations had empowered their permanent representatives to represent them in all organs of the United Nations.

68. At the same time, it was necessary to take into account the varying practices of the specialized agencies. Since the draft articles were intended to regulate the matter for all organizations, he could hardly go beyond the statement of a residuary rule in paragraph 2, with some elements of progressive development.

69. With regard to the wording of paragraph 2, there had been some criticism of the opening proviso: "Subject to the rules of procedure of the organization concerned", on the grounds that rules on credentials were occasionally to be found in a constituent instrument. He would have no objection to replacing those words by: "Subject to the relevant rules of the organization concerned", but in fact the provisions on credentials were usually in the rules of procedure. Paragraph 2 and its opening proviso should, moreover, be so drafted as to show that the competence of the credentials committee of the organ concerned was unimpaired; that committee had power to examine the credentials, a power which the secretary-general did not possess.

70. To sum up, he noted that there had been some support for the idea of combining articles 10 and 11 in one article. He could agree to that course, provided it proved possible to arrive at a comparatively short formulation. But he was opposed to the deletion of paragraph 2 of article 10 and hoped that the Drafting Committee would carefully consider its content before taking a decision.

71. For article 11, some members favoured a formulation beginning with a statement of the general rule in paragraph 2, and continuing with the contents of paragraph 1 as an exception to that general rule; others wished to delete paragraph 1 and redraft paragraph 2. He suggested that the choice be left to the Drafting Committee.

72. In conclusion, he suggested that articles 10 and 11 be referred to the Drafting Committee for consideration in the light of the discussion.

73. Mr. ROSENNE said he still believed that paragraph 2 of article 10, as at present worded, was probably not necessary; but the discussion had shown that the real problem was not so much that of the Secretary-General transmitting information, or even formal reports, to an organ of general competence, as that of keeping other member States, and more particularly the host State, informed of the existence of the permanent mission and of the identity of its head and of the members of its staff. That matter was partly covered by article 15. He therefore suggested that the Drafting Committee consider whether it was necessary to state in article 10 that States other than the host State were entitled, as a matter of law, to receive that information about permanent missions.

74. The CHAIRMAN said that, if there were no objection, he would assume that the Commission agreed to refer articles 10 and 11 to the Drafting Committee for consideration in the light of the discussion.

*It was so agreed.*⁵

The meeting rose at 1.00 p.m.

⁵ For resumption of the discussion on article 10, see 982nd meeting, paras. 83-104, and 983rd meeting, paras. 7-48. For resumption of the discussion on article 11, see 983rd meeting, paras. 49-67, and 984th meeting, paras. 1-28.

955th MEETING

Monday, 17 June 1968, at 3 p.m.

Chairman: Mr. José María RUDA

Present: Mr. Albónico, Mr. Amado, Mr. Bartoš, Mr. Castrén, Mr. El-Erian, Mr. Eustathiades, Mr. Kearney, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Reuter, Mr. Rosenne, Mr. Tabibi, Mr. Tammes, Mr. Tsuruoka, Mr. Ushakov, Mr. Ustor, 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 12

1.

Article 12

Full powers and action in respect of treaties

1. Permanent representatives are not required to furnish evidence of their authority to negotiate, draw up and authenticate treaties drawn up within an international organization to which they are accredited or concluded between their State and the organization.

2. Permanent representatives shall be required to furnish evidence of their authority to sign (whether in full or *ad referendum*) on behalf of their State a treaty drawn up within an international organization to which they are accredited or between their State and the organization by producing an instrument of full powers.