

Document:-  
**A/CN.4/SR.979**

**Summary record of the 979th meeting**

Topic:  
**<multiple topics>**

Extract from the Yearbook of the International Law Commission:-  
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to draw the attention of the Sixth Committee to the question raised by Mr. Ago.

82. Mr. EUSTATHIADES said it was necessary to decide whether the question should appear on the agenda as a separate item, or whether it should simply be stated that the Commission would continue its consideration of the question.

83. Mr. USTOR said that the Sixth Committee could decide whether or not the item should be included on the agenda for the next session.

84. Mr. USHAKOV said that the discussion of the problem raised by Mr. Ago had taken place under item 4 of the agenda. He had opposed the placing of the question on the agenda as a separate item, and now wished to reaffirm his position.

85. Sir Humphrey WALDOCK proposed that no decision be taken until the text of the passage for inclusion in the report had been circulated.

86. Mr. YASSEEN supported Sir Humphrey Waldock's proposal.

87. Mr. AGO also supported Sir Humphrey Waldock's proposal. He wished to add that he rejected the notion that the Commission depended upon the Sixth Committee in drawing up its agenda.

88. Mr. ROSENNE said he agreed with Mr. Ago.

89. The CHAIRMAN suggested that the Commission follow the course advocated by Sir Humphrey Waldock.  
*It was so agreed.*

The meeting rose at 1.30 p.m.

### 979th MEETING

*Monday, 22 July 1968, at 3 p.m.*

*Chairman:* Mr. José María RUDA

*Present:* Mr. Bartoš, Mr. Castañeda, Mr. Castrén, Mr. El-Erian, Mr. Eustathiades, Mr. Kearney, Mr. Nagendra Singh, Mr. Rosenne, Mr. Tabibi, Mr. Tammes, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldock, Mr. Yasseen.

#### Decisions taken by the Commission at its private meetings

1. The CHAIRMAN said that, at its private meetings the previous week, the Commission had decided:

First, that its next session would be held at Geneva from 2 June to 8 August 1969.

Secondly, to include in its report to the General Assembly a general statement expressing concern at the situation regarding honoraria and *per diem* allowances, and suggestions that a special allowance be paid for the travel and incidental expenses of Special Rapporteurs. It would also stress the need to

increase the staff of the Codification Division of the Office of Legal Affairs so that it could provide additional assistance to the Commission and its Special Rapporteurs.

Thirdly, to include in its report a statement in general terms concerning the extension of the term of office of members from five to six or seven years, giving objective reasons for doing so, such as the volume of work of the Commission, the increase in its membership to twenty-five and the general need for codification demonstrated by the number of United Nations bodies dealing with international law.

Fourthly, to mention in its report that a winter session might be needed early in 1970.

Fifthly, that the Chairman in his statement to the General Assembly should give a general account of the Commission's work during the past twenty years.

#### Most-favoured-nation clause

(A/CN.4/L.127)

[Item 3 of the agenda]

*(resumed from the 976th meeting)*

2. The CHAIRMAN invited the Commission to resume its consideration of item 3 of the agenda.

3. Mr. EL-ERIAN said the Special Rapporteur had given a masterly and complete exposition of the history of the subject.

4. His answer to the first question in the Special Rapporteur's questionnaire<sup>1</sup> was that the purpose of the clause should be dealt with primarily but not exclusively from the viewpoint of its role in international trade.

5. His answer to the second question was that the study would be breaking fresh ground as it was outside the strictly traditional discipline of international law and would embrace many economic problems.

6. His answer to the third question was that the content of the study should include some reference to the special problems of developing countries.

7. His answer to the fourth question was that the draft articles ought to take the form of an independent series and not be treated as a sequel to the law of treaties.

8. His answer to the last question was that the Special Rapporteur should certainly consult interested agencies, an experience from which he himself, as Special Rapporteur on another subject, had greatly benefited.

9. Mr. NAGENDRA SINGH said that his answer to the first question was in the affirmative, as was his answer to the second, though of course the study could not be a purely legal one, entirely divorced from economics. At the second session of UNCTAD, held at New Delhi, a number of developing countries had mentioned the importance of the most-favoured-nation clause and the need to examine many of its aspects.

10. His answer to the third, fourth and fifth questions was also in the affirmative. The articles should be inde-

<sup>1</sup> See 975th meeting, para. 62.

pendent and be capable of being worked into the articles on the law of treaties if that were found necessary.

11. His answer to the sixth question was also in the affirmative; he was certain that the Special Rapporteur would benefit from consultations and from the papers already prepared on the subject of the clause by the UNCTAD secretariat.

12. The most-favoured-nation clause did not represent mere reciprocity; in the words of the International Court of Justice in the case concerning rights of nationals of the United States of America in Morocco, its function was "to establish and to maintain at all times fundamental equality without discrimination among all of the countries concerned".<sup>2</sup> It was a juridical expression of the principle of equality in the field of international trade relations where it mostly operated. Its essence lay in the legal advocacy of the principle of non-discrimination and equal treatment in commercial relations. Since 1928 the United States and several other countries had been systematically making use of the clause, and its supporters had argued that its abrogation, modification or degradation to a mere reciprocity clause would mean stepping backwards at least forty years.

13. An example of the clause was a provision in the shipping treaty of 1955 between India and the USSR, stipulating that Indian vessels in Soviet ports and Soviet vessels in Indian ports should, on entry into, stay in and departure from such ports, enjoy the most favourable conditions allowed by the corresponding laws, rules and regulations applicable to those ports. Again, a provision had been included in the maritime transport relations agreement between India and the Federal Republic of Germany of 1966 according to which each contracting party would in its ports grant to vessels flying the flag of the other State the same treatment that it accorded to vessels flying its national flag.

14. Mr. USTOR (Special Rapporteur) said he was grateful to members for their helpful comments on his working paper. The discussion had revealed that the task facing the Special Rapporteur was a difficult one, because he had a vast amount of material to examine. The Commission clearly wished him to study all the fields of application of the clause and not to restrict his inquiry to international trade. That would mean examining conflicting interests and opposing philosophies. The Commission's wish was to deduce legal rules from practices which were already generally accepted, or to formulate rules for application in the future.

15. It was too early to decide what form the draft articles should take, but their close connexion with draft articles on the law of treaties was obvious and they would clearly be influenced by those articles.

16. He had serious doubts whether the study should be extended to include the application of the most-favoured-nation clause to individuals, but he would examine the matter and make recommendations in his next report.

17. There was unanimous agreement that he should consult specialized agencies with experience and know-

ledge of the operation of the clause in its broadest application.

18. The CHAIRMAN, speaking on behalf of the Commission, thanked the Special Rapporteur for his interesting paper.

#### **Review of the Commission's programme and methods of work**

(A/CN.4/L.128)

[Item 4 of the agenda]

*(resumed from the previous meeting)*

#### **Organization of future work**

[Item 6 of the agenda]

19. The CHAIRMAN invited the Commission to consider items 4 and 6 of the agenda together.

20. Mr. ROSENNE said that the Commission need not discuss at the present session the Secretariat's Working Paper (A/CN.4/L.128) or new topics for consideration during the term of office of the present members. On the other hand, he agreed with Mr. Castañeda that, before that term of office expired, the Commission should give some attention to the long-term programme for the next fifteen or twenty years and for that purpose should ask the Secretary-General to prepare a new survey of the whole field of international law on the lines of the paper submitted at the Commission's first session.<sup>3</sup> If the Secretary-General's paper were submitted early in 1970, it could be examined at the regular session that year, or in 1971, and the Commission could then draw up a list of topics that were ripe for codification and discard those on the 1949 list which were no longer suitable for treatment.

21. Mr. CASTRÉN said that the Commission already had a very full programme and had given priority to certain topics. Governments had proposed new topics, while members of the Commission had themselves made interesting suggestions, such as that by Mr. Tammes for a study of unilateral acts in international law. In addition, the Commission would have to study the question of treaties concluded between States and international organizations or between two or more international organizations, and it was possible that the General Assembly would ask it to study yet other topics.

22. The question was, therefore, in what order the various topics should be examined. In his opinion, the Commission should try, before the expiry of the term of office of the present members, to complete the topics it had already begun to study, and those were relations between States and inter-governmental organizations, succession of States, and the most-favoured-nation clause. The question of State responsibility, on which Mr. Ago was to submit a preliminary report in 1969, was a very broad and difficult one and it would probably not be possible to examine it in detail before the new membership of the Commission was elected. Even with that limited program-

<sup>3</sup> *Survey of International Law in relation to the Work of Codification of the International Law Commission* (A/CN.4/1/Rev.1) (United Nations publication, Sales No.: 1948.V.1(1)).

<sup>2</sup> See *I.C.J. Reports, 1952*, p. 192.

me, the Commission would require an extra session of approximately four weeks, and it was to be hoped that the General Assembly would accept the proposal for such a session to be held during the winter of 1970.

23. The provisions of the Commission's statute concerning its methods of work appeared appropriate. They were sufficiently flexible to allow the introduction of a number of improvements. Increasing the number of daily meetings would cause practical difficulties, since the Drafting Committee and the special rapporteurs needed time for their work, while members of the Commission had to study a lot of documents and do a lot of research in the library during sessions. It had been suggested that the Commission might divide itself into two parts so as to be able to study two subjects at once, but it was doubtful whether that would save any time, since final decisions would still have to be taken in plenary meeting.

24. On the other hand, the use of working parties, to do preparatory work, might be recommended. It would also be very helpful if the Commission had its own secretariat. The United Nations Secretariat had, of course, always furnished information and documents to the Commission and had made a competent staff available to it, but what would be useful would be a staff to carry out research work between sessions and help the special rapporteurs and the Commission itself in their heavy task.

25. With regard to the place of meeting, it appeared that members saw no objection to continuing to meet in Geneva; for extraordinary sessions, other international centres such, as Paris, Rome, Vienna, Monte Carlo or even New York, might be chosen.

26. With regard to the form which drafts prepared by the Commission should take, it would appear preferable to continue the practice of recent years of preparing draft conventions rather than codes, but everything naturally depended on the nature of the topic. Topics for codification should be chosen with the greatest care, but that was not always for the Commission to decide. The Commission should adopt a programme of work covering a period of several years, until the expiry of its mandate, but not too detailed a programme, as some members had already observed.

27. To come to a practical point, it would be very helpful if members could receive reports and documents relating to the work in hand some weeks before the session at which they were to be examined, though he realized that there might be technical difficulties.

28. With regard to the question of preliminary reports on a topic, they were doubtless very useful and sometimes even essential, but they did delay examination of the topic by a year.

29. Mr. USHAKOV said he agreed with Mr. Rosenne that a programme should be drawn up covering the next fifteen or twenty years. The Secretariat might prepare a working document similar to the one it had submitted in 1949 with the help of which the Commission might examine the question of its future work.

30. The Commission should take a decision on the possibility of including in its programme of work the question referred to in the draft resolution adopted by the Committee of the Whole of the Conference on the Law of Treaties.<sup>4</sup>

That draft resolution would be adopted in plenary meeting at the second session of the Vienna Conference and the General Assembly would propose that the question of treaties concluded between States and international organizations or between two or more international organizations be placed on the Commission's agenda. That being so, the Commission should envisage the possibility of dealing with that topic in the near future and should request the Secretariat and the Codification Division to prepare the necessary documents for the assistance of the special rapporteur to be appointed.

31. Mr. KEARNEY said that the Commission had enough topics on its agenda at present, but in 1970 it should certainly undertake the kind of review advocated by Mr. Rosenne.

32. As far as its methods of work were concerned, he believed a greater degree of planning and organization was needed. At present too much depended on the individual initiative of special rapporteurs. It would be preferable to establish how much could be done in any one year. The Commission should therefore draw up a plan for the next five or seven years to complete the subjects at present on the agenda, so that both the Commission and the special rapporteurs would have some idea of what was expected and what was likely to be accomplished. He supposed that the subject of relations between States and inter-governmental organizations might take three years, State succession in respect of treaties four years, and State succession in general five to six years.

33. It would be more convincing if the Commission could support its suggestions to the General Assembly for an extension of the term of office of members with some indication of how much work it hoped to complete within a given period.

34. Sir Humphrey WALDOCK said that the Commission had as much work as it could deal with at present, but its practice was to arrange for several reports to be prepared at the same time to ensure that, in case something should prevent a special rapporteur from producing his paper on time, the Commission would be still fully occupied.

35. The Commission would find it extremely arduous work to try to bring two major subjects to completion in one and the same session, and it would have no time to take up the active discussion of yet another topic. In any event, he understood that Mr. Ustor would not be able to submit a very full report on the most-favoured-nation clause at the next session. Perhaps the work on Mr. El-Erian's topic could be completed in 1969 and it would also be easier then to judge how much progress could be made with the succession of States. He himself had been attracted by the subject of unilateral acts, from the point of view of the Commission's duty to try and codify the foundations of international law.

<sup>4</sup> Under the operative paragraph of this resolution, the Conference on the Law of Treaties would recommend to the General Assembly "that it refer to the International Law Commission the study of the question of treaties concluded between States and international organizations or between two or more international organizations".

36. The subject of the treaties of international organizations was not an easy one and, during the earlier stages of the Commission's work on the law of treaties, he had found little enthusiasm among international organizations for the subject's being codified, because they feared that something too rigid might be produced that would inhibit a developing practice. However, there was now some prospect of success in codifying that topic.

37. He agreed with Mr. Rosenne that it would be desirable at a later stage to take stock of the situation and examine the branches of fundamental international law in which the Commission could make a real contribution to codification, but such a step should not be undertaken when the Commission was intensively engaged in dealing with several major topics.

38. Finally, some thought ought to be given to the relation between the Commission's work and that of other bodies dealing with the codification of international law.

39. Mr. EUSTATHIADES said that the Commission's programme was already very full, so that there was no need to consider at that stage whether other topics should be added to it. The Commission could, of course, discuss possible topics, but that would serve no purpose. The best course would perhaps be for the Secretariat to make a general study which would enable the Commission to form a clear idea of what topics there were to be undertaken in the future.

40. In selecting topics, their value was not the only criterion; it must also be considered whether the topic was ripe for codification. That was a point the Commission should always keep in mind, because it was more competent in that respect than the Sixth Committee, which was usually interested only in immediate needs.

41. With regard to methods of work, some of the topics on the agenda were so vast and consequently required such thorough study that it was almost impossible in the existing situation to conclude their examination within the term of office of the present members. It would, however, be better if, in future, major topics were dealt with in such a way that they could be disposed of within one term of office, and that discussions even on questions of principle did not begin again when the membership of the Commission was renewed. Topics such as the succession of States and State responsibility were examples. Special rapporteurs for such topics had a very heavy task, since members of the Commission did not devote their entire time to the Commission's work and had other duties to perform elsewhere.

42. There were two possible solutions to the difficulty. Either a very detailed programme could be drawn up under which only one aspect of the topic would be studied at a time, and, as soon as each was completed, another would come under examination.

43. Or the topic could be divided up among several rapporteurs. For example, Mr. Bedjaoui, the Special Rapporteur for succession of States, had been relieved of a part of his task when the question of the succession of States in respect of treaties had been entrusted to Sir Humphrey Waldock. Mr. Bedjaoui's task was still heavy and it might be possible to divide up the topic

further by studying succession in economic and financial matters separately from other aspects. Similarly, the question of State responsibility could easily be divided up and entrusted to more than one special rapporteur. Both State succession and the immense topic of responsibility seemed to lend themselves to division. In the case of State responsibility, for example, it was possible and desirable that the important question of denial of justice should be dealt with separately because of its wide scope and distinct nature. The same was true of circumstances acting as a bar to responsibility and of the forms of compensation. The rule concerning the exhaustion of local remedies also called for separate treatment. Otherwise it would be necessary to spend at least ten more years, in addition to the ten already spent, before the topic could be disposed of. The division of the topic of responsibility between two or more special rapporteurs would be a means of speeding up the study of that topic, as recommended by the General Assembly.

44. As for treaties concluded between States and international organizations or between two or more international organizations, there were certainly reasons, as Sir Humphrey Waldock had said, for not hastening the study of that topic. However, it would be wrong to lose sight of Mr. Ushakov's point that the topic had been raised at the Vienna Conference following the submission of an amendment by the United States and had formed the subject of a draft resolution; consequently it deserved to be treated, if not as a matter of priority, at least differently from other questions.

45. The CHAIRMAN, speaking as a member of the Commission, said that the Commission's flexible methods of work had given general satisfaction and no suggestion had been made for any change.

46. With regard to the Commission's programme, a distinction should be made between the problems facing the Commission during its current term of office and the question of its programme for the next ten or fifteen years. The position for the current term was that the Commission had before it four topics, one of which had been divided into two parts. In respect of all of them, however, the Commission was only in the early stages of its work. It was clear that nothing could be added to that programme and that for the next three years the Commission would be fully occupied with the consideration of several reports.

47. A special problem arose with respect to the topic of State responsibility, consideration of which had been expected to begin in 1969 but extend beyond 1971. Since, however, the General Assembly, by its resolution 2272 (XXII), had requested the Commission "to expedite the study of the topic of State responsibility", an effort should be made to begin work on it in 1969.

48. To those four topics should be added that of "treaties concluded between States and international organizations or between two or more international organizations", which the Commission would probably have to consider, bearing in mind the draft resolution adopted by the Committee of the Whole at the first session of the Vienna Conference on the Law of Treaties; that decision was likely to be endorsed by the Conference at its second session.

49. The Commission also had on its agenda two topics for which it had not yet appointed special rapporteurs: the right of asylum and historic waters, including historic bays. At its last session, the Commission had noted in its report that "Most members doubted whether the time had yet come to proceed actively with either of these topics" which "were of considerable scope and raised some political problems".<sup>5</sup> The reasons which had led to the postponement of the consideration of those two topics in 1967 were still valid.

50. Speaking as Chairman, he suggested that a meeting be held of the officers of the Commission and the Special Rapporteurs to formulate a plan of work for the next three or four years, for the information of the General Assembly.

51. With regard to the question of a long-term programme of work, he agreed with the suggestion that the Secretariat be asked to prepare a survey of topics for codification. The 1949 survey was no longer up-to-date. International law had undergone considerable changes since 1949 and both the approach and the terminology of the 1949 list were reminiscent of the period before the Second World War.

52. Mr. USHAKOV said he thought that the Commission should ask Mr. Ago to prepare his report on State responsibility for next year.

53. Mr. EL-ERIAN said that he wished to make some remarks exclusively on his own topic, for purposes of the introduction to the draft articles on permanent missions which he was preparing. Those draft articles, which took the form of a draft convention, would constitute an autonomous body of rules dealing with the "representatives of States to international organizations".

54. He understood the majority of the Commission to have agreed to give priority to that particular aspect of the topic of relations between States and inter-governmental organizations. One reason was the need to complete the codification of diplomatic law, following the adoption of the Vienna Convention on Diplomatic Relations and the formulation of the draft articles on special missions. Another reason was the fact that a number of members had expressed apprehension with regard to the privileges and immunities of the organizations themselves and their staff.

55. Those articles, the first reading of which it was proposed to complete in 1969 and the second in 1970, would thus only deal with the representatives of States to international organizations, leaving aside other aspects of the topic of relations between States and inter-governmental organizations.

56. Mr. KEARNEY said that he fully agreed with the Chairman's summing up and with his suggestions. The meeting of the officers with the Special Rapporteurs would provide the best opportunity to take up the suggestion by Mr. Ushakov on the topic of State responsibility.

57. He also agreed with Mr. El-Erian's understanding of the position on the topic of relations between States and inter-governmental organizations.

58. Mr. CASTAÑEDA said that he endorsed the Chairman's remarks, particularly his concern over the topic of State responsibility. The International Law Commission had not been fortunate in the first stage of its work on State responsibility, which as early as 1949 had been recognized as being among the most important and urgent topics for codification. Very little progress had been made in the twenty years which had elapsed since it was placed on the Commission's agenda. The conclusions and the approach of the first Special Rapporteur for that topic had not been received with favour by the Commission, but he had continued to submit reports for five years with the same approach, so that the Commission had reached a dead end. As a result, when a new Special Rapporteur had been appointed, work on State responsibility had had to begin again without making use of the work of the first Special Rapporteur.

59. The Commission was faced with a totally different situation from that which had developed in the case of the law of treaties, where successive Special Rapporteurs had taken into account the work of their predecessors which had culminated in the monumental work of the fourth Special Rapporteur. It could be claimed that the Commission's work had been enriched by the changes in Special Rapporteurs on the law of treaties. Nothing of that kind had occurred with respect to State responsibility, for which topic the Commission had to commence work without any basic report before it. That situation offered an additional reason why the Commission and the present Special Rapporteur should make a special effort to do some substantive work on State responsibility in 1969, bearing in mind the concern which had been expressed in the General Assembly.

60. Mr. BARTOŠ said that the Sixth Committee was impatient to be informed of the Commission's work, in particular on the general principles of State responsibility, but did not seem to take sufficient account of the working difficulties and time problems facing the Commission.

61. The topic whose study had been entrusted to Mr. El-Erian was also awaited with impatience by the Sixth Committee, which wanted the Commission to examine not only the question of relations between States and international organizations but more especially, as Mr. Ago had requested, that of the international relations of international organizations with States and the participation of such organizations in international life and their capacity in diplomatic life in general.

62. The Commission should draw up a programme which would enable it to submit the results of its work to the General Assembly from time to time, thus enabling it to take note of the progress made. In its report on the present session, the Commission should not only point out to the General Assembly that it had made progress, but also show that it was pursuing its work on problems which had been submitted to it.

63. The officers of the Commission and the Special Rapporteurs should prepare a work programme and an order of priority for future work, indicating how much time would be allowed for each of the reports dealing with topics at present before the Commission.

<sup>5</sup> See *Official Records of the General Assembly, Twenty-second Session, Supplement No. 9 (A/6709/Rev.1)*, para. 45.

64. The Commission should ask Mr. Ago to submit his draft on State responsibility in time for the 1969 session in order that it might then discuss the ideas on which the draft was based. Some of his criteria did not appear to be based on legal principles; in particular, Mr. Ago should give the Commission a clear explanation of the distinction between the political and the legal responsibility of States. Once that explanation had been given, the Commission should be in a position to ask the Special Rapporteur a number of questions on that subject and to submit a preliminary report to the General Assembly.

65. Mr. MOVCHAN (Secretary of the Commission) said he was grateful to members for their expressions of appreciation of the Secretariat's two working papers. The working paper on items 4 and 6 (A/CN.4/L.128) gave a picture of the Commission's previous work and included a number of General Assembly decisions, since it was felt that strict observance of decisions of the Commission and of its parent body, the General Assembly was essential for any body of jurists.

66. The secretariat of the Commission, and indeed the whole Codification Division, were always anxious to assist the Commission in the performance of its task and the Commission's decision to include in its report a reference to the need to strengthen the Codification Division would help in that direction.

67. If the Commission so requested, the Codification Division was ready to prepare a survey of topics of international law; it was also prepared to submit a document on the question of treaties between States and international organizations or between two or more international organizations, the subject of a resolution adopted at the first session of the Vienna Conference.

68. Mr. Castrén's appeal for the earlier preparation of documents and their distribution in good time before the session, could, he thought, be answered without undue difficulty by closer co-operation between Special Rapporteurs and the Secretariat.

69. The CHAIRMAN said that the Secretary's remarks would be noted in the report.

70. No suggestions had been made regarding the Commission's methods of work.

71. With regard to the Commission's programme of work, if there were no objection, he would consider that the Commission agreed to adopt his suggestion for a meeting of the officers of the Commission with the Special Rapporteurs, and Mr. Rosenne's suggestion that the Secretariat be invited to prepare for 1970 a survey of topics of international law.

*It was so agreed.*<sup>6</sup>

The meeting rose at 6 p.m.

<sup>6</sup> For other suggestions concerning the organization of future work, see 977th meeting, paras. 26-28.

## 980th MEETING

*Tuesday, 23 July 1968, at 10 a.m.*

*Chairman:* Mr. José María RUDA

*Present:* Mr. Bartoš, Mr. Castañeda, Mr. El-Erian, Mr. Eustathiades, Mr. Kearney, Mr. Nagendra Singh, Mr. Rosenne, Mr. Tabibi, Mr. Tammes, 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.1-4; A/CN.4/L.118 and Add.1 and 2; A/CN.4/L.129)

[Item 2 of the agenda]

*(resumed from the 975th meeting)*

#### DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE *(continued)*

1. The CHAIRMAN invited the Commission to consider the text of articles 2, 4 *bis*, 4 *ter*, 5 and 6 proposed by the Drafting Committee on second reading.

#### ARTICLE 2 (Scope of the present articles)<sup>1</sup>

2. Mr. CASTRÉN (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following text for article 2:

##### *Scope of the present articles*

1. The present articles apply to representatives of States to international organizations of universal character.

2. The fact that the present articles do not refer to representatives of States to other international organizations is without prejudice to the application to these representatives of any of the rules set forth in the present articles to which they would be subject independently of these articles. Likewise, it shall not prevent member States of these other organizations from agreeing that the present articles apply to their representatives to the said organizations.

3. The Commission had already approved article 2 in principle, subject to the drafting changes proposed by various members. The Drafting Committee had therefore merely tried to improve the wording of the article.

4. Some members had objected to the words "*à vocation universelle*", in paragraph 1 of the French text, and the Drafting Committee had decided by a majority, to replace them by the words "*à caractère universel*". The Drafting Committee had decided to prepare a paragraph on international organizations of universal character, for inclusion in article 1 (Use of terms); the Special Rapporteur had already drafted a text, which would be examined by the Drafting Committee. The Special Rapporteur intended to explain more precisely the meaning of the words "of universal character" in the commentary.

5. The Drafting Committee had appreciably modified and added to paragraph 2, on the basis of the text pro-

<sup>1</sup> For earlier discussion, see 946th meeting, paras. 19-65; 947th meeting, paras. 1-18; 972nd meeting, paras. 40-89; 973rd meeting, paras. 1-65.