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Summary record of the 983rd meeting

Topic:
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could also be issued by the member of Government responsible for the department corresponding to the field of competence of the organization concerned. Thus, credentials for representatives to the International Civil Aviation Organization were usually signed by the Minister for Foreign Affairs or the Minister of Communications or Transport. In the World Health Organization, credentials must be issued by the Head of State, the Minister for Foreign Affairs, the Minister of Health or any other appropriate authority.

96. Since the possibility thus existed of credentials being issued by a minister other than the Minister for Foreign Affairs, where such was the practice in the organization concerned, it was desirable to retain in article 10 the provision under discussion.

97. Mr. YASSEEN said that article 10 offered many possibilities to States. Those possibilities were listed and corresponded to the practice at present followed in the various organizations. It was right and proper to take account of the broadening of international relations and of the fact that many ministers were now concerned with international relations.

98. Only the practice in the organizations should be taken into consideration. Whether they required that credentials should be signed by the Head of Government, the Minister for Foreign Affairs or by another minister, the decision in the matter was theirs. The practice of States did not play an important part in the matter. If the State considered that any public official could sign the credentials, the organization was entitled to refuse to accept them. The practice of States must, of course, conform with the provisions of the constitution of the State concerned, but that was not sufficient. What mattered was the practice in the organization.

99. Mr. NAGENDRA SINGH said he entirely agreed with Mr. Yasseen. In the case of the United Nations Conference on Trade and Development (UNCTAD), for example, credentials were issued by the Minister of Trade. The phrase "or by another minister" should therefore be maintained.

100. Moreover, the practice in the organization should be followed; to accept the practice of individual States would create confusion. There had to be a common denominator. He would vote in favour of the text submitted by the Drafting Committee.

101. Mr. AGO said that he was more and more convinced that what members were talking about was representatives to the assemblies of organizations. Several organizations had been quoted as examples, but there were no permanent missions to some of them, UNCTAD for example.

102. He would not prolong the discussion because the article as drafted by the Drafting Committee would not give rise to any great difficulties. He would, however, like the Commission to use some such wording as "the practice as regards a particular organization", since in his view, the point was the practice established between the State and the organization.

103. Mr. USHAKOV said that there were a number of discrepancies between the English and French versions.

For example, the English version spoke of "the practice in the organization" and the French of "*la pratique de l'organisation*". Furthermore, the phrase "shall be issued by the Head of State" did not correspond to "*émanant du chef de l'Etat*". The two texts required revision.

104. Mr. ROSENNE said he supported Mr. Ushakov's remarks.

The meeting rose at 1 p.m.

983rd MEETING

Friday, 26 July 1968, at 10 a.m.

Chairman: Mr. José María RUDA

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

Fourth Seminar on International Law

1. Mr. RATON (Secretariat), on behalf of the Director-General of the United Nations Office at Geneva and of the participants, thanked the Commission for its generous and valuable support of the Seminar. While the administrative arrangements for the Seminar were, of course, handled by the Secretariat, without the Commission's instructional contribution, the Seminar could not be held. He was particularly grateful to those members who had addressed the Seminar and regretted that others who had expressed their willingness to speak had not been able to do so. That was because the number of meetings of the Seminar was unfortunately limited and it was essential to maintain an equitable geographical and language distribution. The rota system which had now been adopted should, however, enable all members of the Commission who wished to address the Seminar to do so.

2. The fellowships awarded by Denmark, the Federal Republic of Germany, Finland, Israel, the Netherlands, Norway and Sweden had enabled the organizers to improve geographical representation and the present year's Seminar had been attended by participants from the most distant parts of the globe. The organizers hoped that the Seminar would continue to receive the support not only of the Commission but also of the Sixth Committee, and that Governments which already supported it would continue to do so.

3. The CHAIRMAN said that the Commission was keenly interested in establishing contact with the new generation. He congratulated Mr. Raton on his success in organizing the Seminar, and expressed the hope that Governments would give it increasing support and that the number of participants from the farthest corners of the earth would continue to grow.

4. Mr. TABIBI said he was very gratified by the results achieved by the Seminar. He noted with satisfaction that the trend seemed to favour such projects and he hoped, like Mr. Raton, that Governments would give them more active support.

5. Mr. EUSTATHIADES said he wished to congratulate Mr. Raton on the work of the Seminar, whose high standard he had been able to judge for himself. The Commission should declare its readiness to continue to support it.

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)

[Item 2 of the agenda]
(*resumed from the previous meeting*)

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

ARTICLE 10 (Credentials of the permanent representative) (*continued*)

6. The CHAIRMAN invited the Commission to resume its consideration of draft article 10 proposed by the Drafting Committee.¹

7. Mr. TABIBI said that an article on the lines of article 10 as proposed by the Drafting Committee was needed. The situation was different from that in bilateral diplomacy, largely because of the technical nature of some of the tasks performed by the permanent representative, so that an element of flexibility in the issuing of credentials was essential.

8. He would suggest, however, that the words "in the Organization" be deleted, so that the words "by another minister" would be qualified only by the clause "if such is the practice". As he saw it, it was States rather than the organizations that played the dominant role, but the shorter wording would cover both the practice of States and the practice of the organization.

9. As far as the actual practice was concerned, he understood that both in the United Nations and in the specialized agencies credentials issued by any Government department had usually been accepted.

10. Mr. EUSTATHIADES said he regretted that articles 10 and 11, which dealt with closely related subjects, had not been placed under a single heading as in the Special Rapporteur's report. A slight change in the title would have met the case.

11. As regards article 10, it was a pity that the second paragraph, which clearly indicated what happened after the credentials had been transmitted to the Secretary-General, had been deleted. The new text read "and shall be transmitted to the competent organ of the Organization". It was not clear why, and it would have been better to say "and shall be transmitted for all necessary purposes".

12. The question which arose in connexion with the words "or by another minister if such is the practice in the Organization" was whether it would be acceptable for credentials to be issued by a person other than the Head of State, Head of Government, or Minister for Foreign Affairs. It would seem more natural to mention only those three authorities, who were in charge of their country's relations at the international level. However, since some members of the Commission had pointed out that in certain cases credentials were issued by other ministers, he saw no objection to accepting the text proposed by the Drafting Committee.

13. Mr. Tabibi had suggested deleting the words "in the organization" so that the text would then read simply "if such is the practice". But in that case it would not be clear what practice was meant. The practice had to be both authorized by the law of the State and accepted by the Organization. That was the source of the difficulty. It would be preferable not to alter the Drafting Committee's text which ought to prove satisfactory in practice.

14. Mr. RAMANGASOAVINA said he supported the Drafting Committee's text. It was normal that article 10 should endeavour to define precisely what authorities were empowered to issue credentials. In general, it was the Minister for Foreign Affairs who was competent in the matter, as was natural, but the practice of States sometimes differed in such departments as trade, health or communications. The rules must therefore be sufficiently flexible to allow for the practice of States, and the text proposed provided for a number of possibilities.

15. Mr. AGO said that what mattered was not the practice in the organization but the constitutional law of the State. A State might prefer credentials to be issued by an authority other than the Minister for Foreign Affairs. That was its prerogative, so long as the document was issued by a competent authority. Consequently, the words "or by another minister" were not justified; it would be better to say "or by another competent authority". The State had absolute discretion in the matter.

16. Mr. ROSENNE said he supported Mr. Ago's proposal. One reason for using a word other than "minister" was that several instances had been mentioned during the discussion of credentials being issued by a personality who was not a minister.

17. Another reason for not using the term "minister" was that, whereas the expression "Minister for Foreign Affairs" had an accepted meaning in international law, the terms "Minister" and "Cabinet Minister" were not clearly defined in international law.

18. With regard to the concluding phrase, he saw no need for the insertion proposed by Mr. Eustathiades. The formula proposed by the Drafting Committee, taken together with the provisions of article 4, fully covered the point dealt with in paragraph 2 of the text originally proposed by the Special Rapporteur.

19. Mr. USHAKOV said that the new text of article 10 was sound and the only problems were drafting problems. The words "another minister" obviously implied an organ exercising functions similar to those of a minister. The Vienna Convention on Diplomatic Relations spoke of the Minister for Foreign Affairs, whereas certain coun-

¹ See 982nd meeting, para. 83.

tries, the United States for instance, did not have a Minister for Foreign Affairs, but everyone knew what was meant.

20. From a drafting standpoint it would be preferable to say "*si telle est la pratique dans l'organisation*", in the French version. Furthermore, a reference to rule 27 of the rules of procedure of the General Assembly would show that the English word "credentials" could be translated into French by "*pouvoirs*" or by "*lettres de créance*". It would be as well to decide which term should be employed in the French version of article 10.

21. Mr. EUSTATHIADES said that he understood why Mr. Ago wanted to replace the words "another minister" by "another competent authority", but that would be dangerous; the fact that those words appeared after the words "Head of State" and "Head of Government" might be understood to imply that credentials could be issued by an authority of lower rank. The organization would be unable to accept such a procedure even if the authority concerned were competent in the eyes of the State. The matter should not be left in any doubt.

22. Mr. BARTOŠ said that the point raised by Mr. Ushakov was a valid one; the term "*pouvoirs*" applied to the substance of the representative's powers, whereas the term "*lettre de créance*" referred to the evidence establishing the existence of those powers. He had no difficulty in accepting either term; the meaning would be clear, since the word "credentials" was used in English.

23. The use of the term "minister" gave rise to some difficulty because of the different terminology used in the various countries. Thus, in the United Kingdom the Minister for Foreign Affairs was styled "Her Majesty's Principal Secretary of State" while the term "minister" was used for officials of lesser standing. In France, it was just the reverse; a "*secrétaire d'Etat*" ranked below a "*ministre*". The problem also arose of collegiate bodies in countries such as, for example, the USSR and Yugoslavia; a body of that type was usually represented by its Chairman, and a United Kingdom title reminiscent of a similar practice could also be mentioned; that of President of the Board of Trade.

24. In the Convention on Diplomatic Relations, the reference to a minister other than the Minister for Foreign Affairs had been introduced by the 1961 Vienna Conference in order to meet the wishes of the United Kingdom and the other members of the Commonwealth of Nations, whose representatives at the Conference had drawn attention to the existence of Ministers for Commonwealth Relations and High Commissioners who performed, in respect of Commonwealth affairs, the functions normally devolving on Foreign Ministers and ambassadors. In the present instance, the intention was to refer to a high level organ of the State rather than to an "authority". In his view it was also necessary to retain in the text the idea that the organ must be competent under the constitutional law of the sending State.

25. Mr. NAGENDRA SINGH said he was opposed to the suggestion to introduce a reference to "another competent authority", since it would not represent a codification of existing law or practice. According to Indian law, a Permanent Secretary could sign credentials,

but he himself had had the experience of an international organization declining to accept his credentials when issued by such an official; the Inter-Governmental Maritime Consultative Organization (IMCO) had even rejected credentials issued by a Deputy Minister and had insisted that they emanate from a Minister.

26. The proposed wording would involve the additional difficulty of determining who was empowered to decide whether a particular official was competent or not. Use of the broad expression "competent authority" would make totally unnecessary any reference to the Head of State, the Head of Government or the Minister for Foreign Affairs, since all of them were obviously competent authorities.

27. He urged that the Drafting Committee's text be adopted without any change.

28. Mr. RAMANGASOAVINA said he shared the doubts expressed by Mr. Eustathiades and Mr. Nagendra Singh over the use of the term "competent authority". In using the words "another minister", the Drafting Committee had wished to make it clear that the person concerned must be of high rank, such as a member of the Government. Some States did not use the term "minister" but spoke instead of a "Secretary of State" or of a "member of the Cabinet". The terminology was of little importance, provided the credentials were not issued by an official of lesser standing. The Drafting Committee's text covered every case and should be maintained.

29. The phrase "if such is the practice in the organization" might be replaced by "if such is the existing practice". That would avoid speaking either of the practice of the State or of the practice of the organization, and would show that what was meant was just the practice established between the State and the organization.

30. Mr. AGO said he saw no objection to using a term other than "competent authority"; the term "competent organ", for instance, would do equally well. In any case it would have to be explained in the commentary what was meant, even if the word "minister" were used. The word "competent" was important because it indicated that the decision in the matter was taken by the State.

31. The words "if such is the practice in the organization" should be deleted because the practice might not be firmly established. For example, in the case of the International Civil Aviation Organization (ICAO), to which there were several permanent missions, the permanent representative was sometimes appointed by the Minister of Transport, but in other cases the functions of the permanent representative were performed by the consul at Ottawa, in which case he was appointed by the Minister for Foreign Affairs.

32. In his opinion, in an article dealing with the permanent representative accredited to an organization, it was better to use the words "*lettres de créance*" in French.

33. Sir Humphrey WALDOCK said he saw no difficulty in using the expression "competent authority". In the Commission's draft on the law of treaties, paragraph 1 (c) of article 2 stated: " 'Full powers' means a document emanating from the competent authority of a State".²

² See *Yearbook of the International Law Commission, 1966*, vol. II, p. 178.

34. He did not think that the use of the words “by another competent authority” would make redundant the references to the Head of State, Head of Government and Minister for Foreign Affairs, which under the *ejusdem generis* rule would give an indication that the credentials must be issued by a high responsible authority.

35. The question nevertheless arose whether the determination of the competent authority to issue credentials was a matter of international law as well as of national law. It could be argued that an organization was entitled to satisfy itself that the credentials issued from an official having authority to empower the individual to represent the State. In practice, however, it was probably not recognized that an organization could insist upon verifying whether the credentials had been signed by an authority competent under internal law to issue them.

36. Mr. USTOR said that, from his experience of discussing questions connected with credentials committees, he could say that although the question of credentials was a matter of internal law, international law nevertheless imposed some restrictions on the freedom of action of States. Thus in bilateral diplomacy, the credentials of an ambassador must be issued by a Head of State, and those of a *chargé d'affaires en pied* by a Minister for Foreign Affairs.

37. Similarly, in the relations between States and international organizations, article 10 was intended to set forth the limits of the freedom of States. The underlying idea was that the sending State had a choice between four different authorities for the issuing of the credentials: first, the Head of State; secondly, the Head of Government; thirdly, the Minister for Foreign Affairs; and fourthly, some other competent authority if acceptable to the organization concerned. The essential point was that the fourth possibility only existed to the extent that it was acceptable to the organization. In any case, the sending State did not have complete freedom in the matter.

38. Admittedly, from the practical point of view, a strict rule such as that applied in the General Assembly of the United Nations had the advantage of not placing on the Credentials Committee, or on any other organ whose task was to decide on the validity of credentials, the burden of investigating in each case whether the authority issuing the credentials was competent to do so.

39. Mr. KEARNEY said that the fact that “Secretary of State” was used in the United States as the equivalent of Minister for Foreign Affairs had not caused any difficulty, despite the large number of multilateral conventions which referred to Foreign Ministers.

40. The text proposed by the Drafting Committee for article 10, if taken in conjunction with the provisions of article 4, should be sufficient to meet all standard situations.

41. Mr. USHAKOV said that he agreed with Mr. Nandendra Singh that the introduction of a reference to the competent authority would make totally superfluous the specific reference to the Head of State, Head of Government and Minister for Foreign Affairs.

42. He urged the Commission to adopt the text proposed by the Drafting Committee, subject to the insertion of

the word “applied”—“*suivie*” in French—before the words “in the Organization”.

43. Sir Humphrey WALDOCK said that, to meet the difficulty which had arisen, he would suggest as a possible wording for the passage under discussion: “or by another competent authority if such is admitted within the Organization”.

44. Mr. YASSEEN said that States should not be allowed complete freedom in choosing the organs competent to issue credentials to the permanent representative. In general, the credentials were issued by the Head of State, the Head of Government or the Minister for Foreign Affairs. However, article 10 took account of developments in the practice in that respect, and particularly of the fact that in certain States the Ministry of Foreign Affairs was no longer the only ministry dealing with international affairs.

45. The word “practice” had a well-defined meaning in international law, but he would not oppose the wording proposed by Sir Humphrey Waldox.

46. Mr. EUSTATHIADES said that the customary rule was that credentials were issued by the Head of State, the Head of Government or the Minister for Foreign Affairs; any other procedure had to be accepted both by the State and by the international organization.

47. He proposed that the word “competent” be inserted between the words “another” and “minister”, and could agree to the replacement of the words “if such is the practice in the Organization” by the words “if that is allowed by the practice followed in the Organization”. It should be explained in the commentary that the word “ministers” meant persons of similar rank in the terminology of the different States, such as members of the Cabinet and Secretaries of State.

48. The CHAIRMAN said he would put the following amended text of article 10 to the vote:

Credentials of the permanent representative

The credentials of the permanent representative shall be issued either by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or by another competent minister if that is allowed by the practice followed in the Organization, and shall be transmitted to the competent organ of the Organization.

Article 10, as thus amended, was adopted unanimously.

ARTICLE 11 (Accreditation to organs of the Organization)³

49. Mr. CASTRÉN (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following text for article 11:

Accreditation to organs of the Organization

1. A Member State may specify in the credentials submitted in accordance with article 10 that its permanent representative shall represent it in one or more organs of the Organization.

2. Unless a Member State provides otherwise its permanent representative shall represent it in the organs of the Organization for which no special representation is required.

50. Opinions were sharply divided on the subject of article 11. Some members had wanted to delete para-

³ For earlier discussion, see 954th meeting, paras. 1-74.

graph 1, others paragraph 2. The Drafting Committee had decided to retain the notion contained in paragraph 1, which reflected current practice, and had appreciably altered the text of paragraph 2. It had also changed the title of the article. It considered that the term "special representation" should be explained in the commentary.

51. Mr. EL-ERIAN (Special Rapporteur) said that he would base his explanation in the commentary on the example of the special representation in the International Labour Organisation, which had been mentioned by Mr. Ago in the Drafting Committee.

52. Mr. YASSEEN said that the words "special representation" might be replaced by the words "special powers" so as to provide for the fact that permanent representatives could not represent a State on certain bodies, such as the Security Council, unless they held special powers for that purpose.

53. Mr. AGO said he agreed with Mr. Yasseen. A permanent representative could only represent his country in the General Assembly of the United Nations if he was accredited as one of his country's delegates and not in his capacity as head of the permanent mission. Moreover, permanent representatives were not empowered to sit on the Executive Board of UNESCO because its members were appointed in their personal capacity and not as the representatives of States. A more precise formula might perhaps be found at a later stage, in the light of the comments of governments, but to cover both possibilities it would perhaps be advisable to speak of "special representation or special powers".

54. Mr. YASSEEN proposed that the words "Subject to article 4" be inserted at the beginning of paragraph 2, since the rule requiring special representation or special powers was a relevant rule of the organization. It was the United Nations which required that a representative in the General Assembly must be accredited directly by his State and that a representative in the Security Council must be furnished with special powers. The addition of the proposed words would cover all possible cases.

55. Mr. KEARNEY said that the weakness of Mr. Yasseen's proposal was that reference to article 4, which laid down a general rule applicable to the entire set of articles, would raise the question of the effect of article 4 in relation to articles in which no reference to it was made.

56. The ambiguity at the end of paragraph 2 of article 11 could be removed if the words "there are no special requirements regarding representation" were substituted for the words "no special representation is required".

57. Mr. BARTOŠ said that there was a rule which provided for provisional powers, in other words, provisional accreditations and that rule also formed part of the relevant rules of the organization.

58. From the point of view of legal techniques, there was no need to mention the provisions of article 4 in each article, but to avoid any ambiguity in the interpretation of article 11 it might perhaps be advisable as an exceptional case to add the words proposed by Mr. Yasseen.

59. Mr. AGO said that the Commission was drafting a residuary rule which was open to discussion because the constitutions of international organizations provided for

a certain type of representation in organs which did not concern permanent missions. Inclusion of the words "Subject to article 4" might be taken to imply that the permanent representative automatically represented his State in the organs of the organization, but not in exceptional cases. For that reason, he supported the wording proposed by Mr. Kearney.

60. Mr. EL-ERIAN (Special Rapporteur) said he shared Mr. Ago's fear that if all the articles were made subject to the reservation in article 4, article 4 would be weakened.

61. Mr. Kearney's amendment was acceptable.

62. In his original text of article 11 he had referred to the rules of procedure of the organization concerned and he would mention in the commentary that, according to those rules, a permanent representative would have to submit his credentials for verification.

63. Mr. YASSEEN said that the change proposed by Mr. Kearney would clarify the text of article 11.

64. Mr. AGO said that the permanent representative represented his State in the organs of the organization only in exceptional cases and not as a general rule.

65. Mr. EUSTATHIADES said he felt it was inadvisable that a subject as important as that of representation in organs such as the Security Council or the General Assembly should be dealt with in article 11 in a circuitous fashion. It should be dealt with clearly and directly.

66. At the beginning of paragraph 2, the word "*stipule*", in the French version, appeared inappropriate.

67. The CHAIRMAN said that as there was no quorum the vote on article 11 would have to be postponed until the next meeting.⁴

ARTICLE 12 (Authority to adopt and sign treaties)⁵

68. Mr. CASTRÉN (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following text for article 12:

Authority to adopt and sign treaties

1. A permanent representative is not required to furnish evidence of his authority to adopt the text of a treaty between his State and the organization to which he is accredited.

2. A permanent representative shall be required to furnish an instrument of full powers to sign (whether in full or *ad referendum*) a treaty between his State and the organization to which he is accredited.

69. Some members of the Commission had doubted the advisability of including in article 12 provisions which, in their view, belonged rather to the law of treaties; on the other hand, they had felt that, if article 12 were retained, its provisions should be brought into line with the corresponding provisions of the draft convention on the law of treaties.

70. The Drafting Committee had considered it was necessary to maintain part of the text proposed by the Special Rapporteur, but that it would be sufficient to deal

⁴ For resumption of the discussion on article 11, see 984th meeting, paras. 1-28.

⁵ For earlier discussion, see 955th meeting, paras. 1-76.

with the commonest cases, such as that of the authority of the permanent representative to perform certain acts concerning the adoption, conclusion or signature of a treaty between his State and the international organization to which he was accredited. It had also modified the title of the article.

71. Mr. YASSEEN said that the text should be brought into line with the corresponding text of the draft articles on the law of treaties.

72. Mr. EL-ERIAN (Special Rapporteur) said that he had been criticized for using the terminology of the 1962 draft on the law of treaties and had been instructed to bring the text into line with article 6 of the draft articles approved at the Vienna Conference on the Law of Treaties.

73. In article 12, the Commission had decided to deal only with treaties between States and an organization, since treaties within an organization were the concern of representatives, not of permanent representatives.

74. Mr. EUSTATHIADES said that the terminology used in paragraph 1, which referred to authority to adopt the text of a treaty, should be revised.

75. Article 12 referred to the case of a treaty concluded between a State and an international organization, but was silent on the question of treaties drafted within the organization. In his opinion, that case too should be covered by article 12, if only negatively, since permanent representatives were very often authorized to sign treaties concluded within the organization.

76. Furthermore, article 12 was entitled "Authority to adopt and sign treaties" whereas the text itself referred only to the exceptional case of treaties between the State and the international organization. He therefore proposed that the title of the article be amended to read "Authority to adopt or sign treaties between the State and the international organization"; alternatively, the article should deal with the case of treaties concluded within international organizations.

77. Mr. BARTOŠ said that, in the draft articles on the law of treaties, the Commission had drawn an absolute distinction between the authentication of the text and the conclusion of treaties.

78. The draft articles on representatives of States to international organizations should not deal with the question of the powers of representatives of States to conclude multilateral treaties, which in his opinion fell under the law of treaties. Moreover, that question was already dealt with in the draft articles on the law of treaties, and the present draft articles refrained from dealing with it in order to avoid duplication which might give rise to contradictions between the provisions of the two drafts.

79. Mr. EL-ERIAN (Special Rapporteur) said that the Commission had decided in paragraph 1 to deal with the adoption of the text for which a permanent representative was not required to furnish evidence of authority, whereas he did have to furnish authority for signature of a treaty.

80. Mr. YASSEEN said that article 12 should follow the wording of the corresponding article in the draft convention on the law of treaties. Accordingly, the words

"to furnish an instrument of full powers" in the English version should be replaced by the words "to produce an instrument of full powers", while in the French version, the words "*n'a pas à justifier de son habilitation pour adopter*", in paragraph 1, should be replaced by the words "*n'est pas tenu à produire les pleins pouvoirs pour l'adoption*".

81. Mr. EL-ERIAN (Special Rapporteur) said that he could accept Mr. Yasseen's suggestion.⁶

The meeting rose at 1.5 p.m.

⁶ For resumption of the discussion on article 12, see 984th meeting, paras. 29-65.

984th MEETING

Monday, 29 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. Ramangasoavina, Mr. Rosenne, Mr. Tabibi, Mr. Tammes, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldock, 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)

[Item 2 of the agenda]

(continued)

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE
(continued)

ARTICLE 11 (Accreditation to organs of the Organization)
(continued)¹

1. The CHAIRMAN invited the Commission to resume its consideration of article 11, the provisional text of which, following the discussion at the previous meeting, now read:

Accreditation to organs of the Organization

1. A Member State may specify in the credentials submitted in accordance with article 10 that its permanent representative shall represent it in one or more organs of the Organization.

2. Unless a Member State provides otherwise, its permanent representative shall represent it in the organs of the Organization for which there are no special requirements as regards representation.

2. Mr. ROSENNE suggested that in paragraph 2 the word "representation" be replaced by the word "accreditation". The purpose of paragraph 2 appeared to be to cover cases like that of the Security Council, in which special credentials were required.

¹ See 983rd meeting, paras. 49-67.