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Summary record of the 984th meeting

Topic:
Representation of States in their relations with international organizations

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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.

3. Mr. USTOR said that the word "representation" had been used in order to cover not only the case of special full powers but also that of a special type of representation such as the tripartite representation in the ILO, a point which had been stressed by Mr. Ago.
4. Mr. ROSENNE said he must point out that it was precisely Mr. Ago who had continually reminded the Commission that the present draft dealt with permanent missions, not with delegations.
5. He doubted the need for paragraph 2, the purpose of which appeared to be already covered by paragraph 1.
6. Mr. CASTRÉN (Chairman of the Drafting Committee) said he thought that the word "representation" should be maintained because the word "represent" was employed in both paragraphs 1 and 2.
7. Mr. EL-ERIAN (Special Rapporteur), urged that paragraph 2 should be retained; it represented a compromise and expressed the views of the majority of the Commission which favoured the statement of a presumption with the necessary safeguards. The reference to "special requirements as regards representation" would cover not only the question of special credentials for the Security Council and the tripartite representation to the ILO, but also the case of UNESCO where the members of the Executive Board acted in their personal capacity.
8. Mr. KEARNEY said that in order to cover the situation where the problem was one of credentials rather than representation, he would suggest replacing the word "representation" by the words "accreditation or representation".
9. Mr. YASSEEN said he thought that the term "representation" should be maintained because it covered all aspects of the question, including accreditation.
10. Mr. TABIBI said that the whole question would no doubt be explained in the commentary, but the term "representation" would not cover accreditation. A permanent representative was entitled to represent his country in the General Assembly by virtue of the full powers furnished by him to the Secretary-General of the United Nations, but if his country was elected to the Economic and Social Council or the Security Council, he needed a further accreditation to represent it in that organ. His full powers would only enable him to represent his country as an observer in a Council of which it was not a member.
11. Mr. ROSENNE suggested that a solution to that problem would be to reword the opening words of paragraph 2 to read: "Unless the credentials provide otherwise", and insert the word "all" between the words "in" and "the organs".
12. Mr. USHAKOV said that the word "representation" was clear and pertinent. The question raised in paragraph 2 was that of representation, not of the instruments which had to be furnished by the permanent representative in order to represent his State in certain organs.
13. Sir Humphrey WALDOCK said that the text of paragraph 1 did not state sufficiently the intended rule. He therefore suggested that the following words be inserted at the end of that paragraph: "in which event the permanent representative may represent the State only in those organs".
14. He further suggested that paragraph 2 be redrafted to read: "In other cases, its permanent representative may represent it in all organs of the organization unless there are special requirements as regards representation in a particular organ".
15. Mr. EL-ERIAN (Special Rapporteur) said that he himself had originally suggested a text on those lines. In the Drafting Committee, however, it had been pointed out that the sending State could restrict the powers of a permanent representative otherwise than by specifying it in the representative's credentials; the sending State could, for example, appoint a special envoy for a particular purpose. The broad language "Unless a Member State provides otherwise" was intended to cover the possibility of a restriction by a separate instrument.
16. Sir Humphrey WALDOCK said that the point could be covered by adding at the end of his proposed rewording of paragraph 2 the words: "or the State in question otherwise provides".
17. Mr. EL-ERIAN (Special Rapporteur) said he accepted that formulation.
18. Mr. CASTRÉN (Chairman of the Drafting Committee) said he found Sir Humphrey Waldock's wording for paragraph 2 acceptable but could see no reason for his proposed addition to paragraph 1.
19. Sir Humphrey WALDOCK said that the addition of those words had the advantage of making paragraph 1 state a rule of law; as the wording now stood, it was merely descriptive.
20. Mr. ROSENNE said he had some misgivings over Sir Humphrey Waldock's addition to paragraph 1, which could be open to an unduly restrictive interpretation through its use of the word "only".
21. Mr. BARTOŠ said he preferred the wording for paragraph 2 proposed by the Drafting Committee.
22. Mr. CASTAÑEDA said that Sir Humphrey Waldock's proposal introduced two exceptions which rather complicated the article. Article 11 should be adopted as it now stood.
23. Mr. YASSEEN said he preferred the phrase "Unless a member State provides otherwise" to "Unless the credentials provide otherwise". The former allowed the member State full freedom to lay down certain conditions in instruments other than credentials.
24. Paragraph 1 might perhaps be improved at the second reading.
25. Sir Humphrey WALDOCK said that, following the discussion, he now understood that the intention in paragraph 2 was to cover all cases and not just cases other than those mentioned in paragraph 1. He therefore withdrew his proposal.
26. The CHAIRMAN put article 11 to the vote in the form in which he had submitted it to the Commission at the beginning of the meeting.

Article 11 was adopted by 15 votes to none, with 1 abstention.

27. Mr. ROSENNE said that he had abstained from voting because the discussion had made it clear that, for the relationship between paragraph 2 and paragraph 1 to be understood, almost every word in paragraph 2 would require interpretation.

28. Mr. BARTOŠ suggested that the Special Rapporteur be asked to mention in the commentary the alternative text for article 11 that had been proposed by a member of the Commission.

ARTICLE 12 (Authority to adopt and sign treaties)
(*resumed from the previous meeting*)²

29. The CHAIRMAN invited the Commission to resume consideration of article 12.

30. Mr. EUSTATHIADES said that the Special Rapporteur's text of article 12 had referred to two categories of treaties, namely, treaties drawn up within an international organization and treaties concluded between a State and an international organization. The majority of the Commission had upheld the Drafting Committee's view that article 12 should relate only to treaties between a State and an international organization. The title of the article should therefore be more precise, since its general terms implied that the article dealt with several categories of treaties. Perhaps something like "Authority to adopt and sign treaties concluded between States and international organizations" would be suitable.

31. The permanent representative who signed a treaty concluded between States under the auspices of the organization did not, of course, sign it in his capacity as permanent representative, but as a representative specially authorized for that purpose by his State. But in practice it was generally the permanent representative who was authorized to sign treaties after receiving full powers from his State. For that reason it might perhaps be useful to indicate that full powers must be furnished by the permanent representative for the signature of treaties concluded between the State and the international organization to which he was accredited, as in the case of other treaties.

32. It had been claimed that the problem fell under the law of treaties, but some States might ratify the convention on the law of treaties and not the convention on relations between States and international organizations.

33. Mr. TAMMES said that paragraph 2 of article 63 of the draft convention on the law of treaties, which dealt with instruments for declaring invalid, terminating, withdrawing from or suspending the operation of a treaty, stated, in the form in which it had been approved at the first session of the Vienna Conference: "If the instrument is not signed by the Head of State, Head of Government or Minister for Foreign Affairs, the representative of the State communicating it may be called upon to produce full powers".³

34. The draft convention on the law of treaties would not cover treaties between States and international organiza-

tions, a matter which the Vienna Conference had wished to refer to the International Law Commission for further study. It would therefore be necessary to include in the present draft a new article, possibly numbered 12 *bis*, to deal with the question of full powers of a permanent representative for declaring invalid, terminating, withdrawing from or suspending the operation of a treaty between an organization and the sending State. Similarly, article 50, on full powers and action in respect of treaties, in Part III, would have to be followed by an article 50 *bis* dealing with full powers of delegates for the same purpose.

35. He suggested that a reference to the problem be included in the commentary.

36. Mr. EL-ERIAN (Special Rapporteur) said it would be explained in the commentary that the Commission would consider the point raised by Mr. Tammes in the light of the work of the Vienna Conference.

37. Mr. ROSENNE suggested that in paragraph 2 the word "shall" should be replaced by the word "may". Any practice of the organization concerned would be covered by the provisions of article 4.

38. The provisions of article 12 belonged more to the law of treaties than to the present topic. He hoped that, when the present draft articles were submitted, the Vienna Conference would decide to include in the draft convention on the law of treaties a provision dealing with the subject-matter of article 12.

39. Sir Humphrey WALDOCK said that the draft on the law of treaties was less strict than the proposed article 12. Since the term "treaty" covered not only important international agreements but also agreements in simplified form, he suggested that the language of paragraph 1 should be modelled on paragraph 2 of article 6 of the draft convention on the law of treaties, to read: "A permanent representative, by virtue of his office and without having to produce full powers, shall be considered as representing his State for the adoption of the text of a treaty between his State and the organization to which he is accredited."

40. Mr. CASTRÉN (Chairman of the Drafting Committee), referring to the proposal to amend the title of the article, said there was no necessity for the text to follow naturally from the title; also, it was customary to have a short title.

41. With regard to the proposal to extend the scope of the article, he said that the Drafting Committee had considered that the problem of treaties concluded under the auspices of an organization or at a conference convened by an organization belonged more to the law of treaties. The Commission might adopt the text in its present form and return to the question at second reading, after seeing the comments of Governments.

42. It would be helpful to follow the wording of the corresponding article of the draft convention on the law of treaties and in paragraph 1 to replace the words "is not required to furnish evidence of his authority" by the words "does not have to produce full powers", and in paragraph 2 to replace the words "shall be required to furnish an instrument of full powers" by the words "has to produce full powers".

² *Ibid.*, paras. 68-81.

³ A/CONF.39/C.1/L.370/Add.7.

43. He saw no objection to replacing the word "shall", in paragraph 2, by the word "may".

44. Mr. TAMMES's proposal raised an extremely complex problem which the Commission could not study in detail for the moment.

45. Mr. KEARNEY said that if the word "shall" in paragraph 2 were replaced by the word "may", the question would arise whether the provision was intended to give the organization an option to require full powers or not, or alternatively, to permit a requirement of full powers in the treaty itself. The matter should be made clear in the text of the article.

46. Mr. ROSENNE said that if a treaty stated the requirement of full powers, the treaty provision to that effect would of course apply. His purpose in proposing that the word "shall" be replaced by the word "may" was to introduce an element of flexibility and to bring article 12 more into line with article 6 of the draft convention on the law of treaties.

47. Mr. USHAKOV said that paragraph 2 covered the case of treaties which were to be signed in full or *ad referendum*, and did not therefore relate to treaties in simplified form. The present wording was, in his view, satisfactory.

48. Mr. ROSENNE said that, as he read it, the article referred to treaties of all kinds. Some agreements in simplified form resulted from an exchange of signed notes between the permanent representative and the Secretary-General; in other cases, however, they resulted from an exchange of unsigned notes.

49. Mr. BARTOŠ said he associated himself with Mr. Ushakov's comment.

50. Sir Humphrey WALDOCK said that he would be utterly opposed to using the words "treaty" and "signature" in article 12 with any other meaning than the wide meaning of those terms as used in the draft on the law of treaties.

51. Mr. KEARNEY suggested that the beginning of paragraph 2 be reworded to read: "Unless the parties otherwise agree, a permanent representative shall not be required to furnish an instrument of full powers ..."

52. Mr. CASTRÉN (Chairman of the Drafting Committee) said he thought that the replacement of the word "shall" by the word "may" would lend greater force to the wording of paragraph 2 than the text proposed by Mr. Kearney.

53. The CHAIRMAN said that there appeared to be general agreement that no full powers were required by a permanent representative to sign a treaty in simplified form. He therefore suggested that Sir Humphrey Waldock be invited to prepare a redraft of article 12 in the light of the provisions of the draft convention on the law of treaties.

It was so agreed.

54. After an interval, the CHAIRMAN said that Sir Humphrey Waldock had produced a redraft of article 12 which read:

"1. A permanent representative, in virtue of his functions and without having to produce full powers,

is considered as representing his State for the purpose of adopting a treaty between that State and the organization.

"2. A permanent representative is not considered in virtue of his functions as representing his State for the purpose of signing a treaty (whether in full or *ad referendum*) unless it appears from the circumstances that the intention of the parties was to dispense with full powers."

55. Sir Humphrey WALDOCK said that the language of article 12 was modelled on the comparable provisions in the draft articles on the law of treaties as approved at the Vienna Conference.

56. In paragraph 1, it would be more correct to insert the words "the text of" after the words "the purpose of adopting".

57. As paragraph 2 dealt with a particular kind of treaty, the words "between that State and the Organization" should be inserted after the words in brackets.

58. The title of the article might read "Full powers to represent the State in the conclusion of treaties".

59. Mr. BARTOŠ said he supported the changes in the text proposed by Sir Humphrey Waldock.

60. Mr. USTOR asked whether it was right that paragraph 2 should be narrowed in the way proposed by Sir Humphrey Waldock. Paragraph 1 stated the only exception which applied to permanent representatives from the general rule that anyone representing his State for the purpose of adopting the text of a treaty had to produce full powers. It would be more complete if paragraph 2 were made applicable to all treaties.

61. Mr. USHAKOV said he approved the new text, with the amendments just proposed by Sir Humphrey Waldock, but thought that it would be preferable to add the words "to which he is accredited" after the word "organization" in paragraphs 1 and 2.

62. Sir Humphrey WALDOCK said that he had followed the Drafting Committee in confining the article to treaties between the State and the organization. The provision might be too broad if it were modified in the manner suggested by Mr. Ustor.

63. Mr. YASSEEN said that precision might not perhaps be necessary in the case of an article in the convention on the law of treaties, but it was of the essence in a text dealing with the powers of a permanent representative by virtue of his functions.

64. Mr. CASTRÉN (Chairman of the Drafting Committee) said he did not feel that the scope of paragraph 2 ought to be extended, and he therefore endorsed the text submitted by Sir Humphrey Waldock, with the addition proposed by Mr. Ushakov.

65. The CHAIRMAN said he would put to the vote the text and title for article 12 proposed by Sir Humphrey Waldock, as orally amended by him and with the addition of the words "to which he is accredited" after the word "organization" in both paragraphs 1 and 2.

Article 12, as thus amended, was adopted by 15 votes to none.

ARTICLE 13 (Composition of the permanent mission) ⁴

66. Mr. CASTRÉN (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following text for article 13:

Composition of the permanent mission

In addition to the permanent representative, a permanent mission may include members of the diplomatic staff, the administrative and technical staff and the service staff.

67. The Drafting Committee had made a great many changes in article 13 in the light of the comments by members of the Commission. It had accepted the notion that every permanent mission must have a head who, by the definition in article 1, was the permanent representative. As a general rule there was only one permanent representative, but the general reservation in article 4 covered cases where there was more than one.

68. The substance of the second sentence of the Special Rapporteur's text had not been changed, but his two sentences had been condensed into one.

69. The Committee had considered that it was sufficient to mention the case of deputy permanent representatives in the commentary, but it had expanded the definition of the expression "members of the diplomatic staff" in article 1 to cover the experts and advisers.

70. Mr. EUSTATHIADES said that he would vote in favour of article 13 as proposed by the Drafting Committee.

71. The CHAIRMAN put article 13 to the vote.

Article 13 was adopted by 14 votes to none.

72. Mr. EL-ERIAN (Special Rapporteur) said that he would include in the commentary a reference to the fact that some members had pointed to the increasing practice of appointing deputy permanent representatives.⁵ However, as the practice was not common outside the Headquarters of the United Nations, it had been decided that it should not be mentioned in the text of the article itself.

73. Mr. EUSTATHIADES suggested that the observations made in connexion with the appointment of deputy permanent representatives might be noted in the commentary, with an indication that they represented not the views of individual members of the Drafting Committee but of the Commission as a whole.

74. Mr. ROSENNE said that the Commission should not touch on the question of deputy permanent representatives.

75. Mr. EL-ERIAN (Special Rapporteur) said that he had not wanted to mention deputy permanent representatives, either in the article or in the commentary.

⁴ For earlier discussion, see 956th meeting, paras. 1-64.

⁵ In a footnote to its proposed text for article 13 (A/CN.4/L.130/Add.3) the Drafting Committee had stated:

"Several members of the Drafting Committee expressed the view that specific reference to the deputy permanent representative should be made in article 13 or that the definition of the expression 'members of the diplomatic staff' in article 1 should refer expressly to the deputy permanent representative and to experts and advisers."

76. Mr. CASTRÉN (Chairman of the Drafting Committee) said that Mr. Castañeda had spoken at length on the question of deputy permanent representatives and had even proposed that it be dealt with in article 13 or in some other article.⁶

77. Mr. EL-ERIAN (Special Rapporteur) said that he would place the passage about deputy permanent representatives in square brackets so that it could be removed from the commentary if desired.

78. Mr. BARTOŠ said that it would be better to mention the question of deputy permanent representatives in the commentary and not in the text.

79. Mr. YASSEEN suggested that the words "Several members", in the footnote, be replaced by the words "Certain members".

80. Mr. BARTOŠ said that the words "Certain members of the Commission" would be appropriate.

ARTICLE 14 (Size of the permanent mission)

81. Mr. CASTRÉN (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following text for article 14:

Size of the permanent mission

The size of the permanent mission shall not exceed what is reasonable and normal, having regard to the functions of the Organization, the needs of the particular mission and the circumstances and conditions of the host State.

82. The Drafting Committee had modified article 14 so as to make it a strict rule. Accordingly, the opening clause now stated simply "The size of the permanent mission shall not exceed . . .".

83. The Committee had taken account of the Commission's view that it was the functions of the organization that should be considered first in fixing the size of the permanent mission.

84. Some members of the Commission had proposed that the article should be amplified by a reference to compulsory consultation in the event of disagreement between the sending State, the host State and the organization concerning the size of the permanent mission. The Committee had felt, however, that it would be sufficient to deal with that question in the commentary.

85. Mr. EUSTATHIADES said he regretted that the Committee had replaced the words "the needs . . . of the organization" by "the functions of the organization"; the original wording was preferable.

86. Mr. ROSENNE said he would have thought that the article should refer to the needs of the sending State rather than of the particular mission.

87. Mr. CASTRÉN (Chairman of the Drafting Committee) said that the expression "the needs of the particular mission" meant the needs of the mission of the member State or of the sending State. The text could, of course, be expanded on those lines, but it did not seem necessary.

88. Mr. BARTOŠ said that it would be better to speak of the needs of the sending State.

⁶ See 956th meeting, para. 35.

89. Mr. RAMANGASOAVINA said that the word "règnent" in the French text suggested political conditions. As the intention was to speak only of material conditions, it would be better to say "existent".

90. Mr. YASSEEN said that the text was a well-balanced one, but he had doubts about the obligation laid down in the article, for instance, as to what would happen if the functions of the organization necessitated only three members and the State decided to send a mission of eight. Would it then be possible to say that the State had failed to observe the provisions of article 14, even if neither the organization nor the host State opposed its decision?

91. Mr. EL-ERIAN (Special Rapporteur) said that article 14 had to be kept in line with article 11 of the Vienna Convention on Diplomatic Relations.⁷ His answer to Mr. Rosenne's question was that the mission represented the State.

92. As some specialized agencies were of a technical nature, their functions had a bearing on the size of the mission, since the duties of the permanent representative tended to be of a formal character.

93. The question who should determine whether the size of a permanent mission exceeded what was reasonable and normal must be left to consultation and diplomatic exchanges. The Commission was going to consider a general provision for inclusion at the end of the draft, concerning the remedies available to the host State against the abuse of privileges and immunities.

94. Mr. EUSTATHIADES said he agreed that the functions of the organization were laid down in its constituent instrument, but its activities varied according to circumstances. As the organization's activities expanded, its needs became correspondingly greater. Perhaps one could say "having regard to the fundamental needs of the organization".

95. Mr. ROSENNE said he accepted the Special Rapporteur's explanation.

96. In order to bring the wording of article 14 into line with article 11 of the Vienna Convention, the word "in" should be substituted for the word "of" before the concluding words "the host State".

97. Mr. BARTOŠ said that he was satisfied with the text submitted by the Drafting Committee, and did not share Mr. Eustathiades's opinion. The functions of the organization did not change since they were fixed by its constitution. It was the needs of States that varied according to circumstances. For example, it was a permanent function of the World Health Organization to control epidemic diseases; but when a State was suffering from an epidemic, it needed a bigger mission.

98. In the French text it would be preferable to speak of "conditions qui existent dans l'Etat hôte".

99. Mr. NAGENDRA SINGH said that the text of article 14 was acceptable with Mr. Rosenne's amendment.

100. Mr. EL-ERIAN (Special Rapporteur) said that the Drafting Committee was anxious not to give the impression that the conditions referred to in article 14

might be political ones. What it had in mind was material conditions such as, for example, the size of the capital city of the host State.

101. Mr. RAMANGASOAVINA reiterated his proposal to replace the word "règnent" in the French version, by the word "existent". It should be made quite clear that it was only material conditions, such as housing or food, that were meant. He noticed that there was no verb in the English version.

102. The words "having regard to the functional needs of the organization" proposed by Mr. Eustathiades might cause confusion by creating the impression that members of the permanent mission participated in the functioning of the organization as members of the staff of the organization.

103. Mr. CASTRÉN (Chairman of the Drafting Committee) said that the majority of the Commission seemed to prefer the Drafting Committee's text to that suggested by Mr. Eustathiades. In the English version however, it would be better to say "conditions in the host State" and not "of the host State".

104. He thought that the words "règnent" and "existent" meant the same thing but since the word "règnent" appeared in article 11 of the Vienna Convention on Diplomatic Relations, it would be best to keep it.

105. Mr. RAMANGASOAVINA said that it was not essential to reproduce the wording of the Vienna Convention on Diplomatic Relations.

106. Mr. EUSTATHIADES suggested that it would be sufficient to bring the French version into line with the English by deleting the verb; it would then read "*circonstances et conditions dans l'Etat hôte*".

107. Mr. USHAKOV said he was inclined to favour Mr. Ramangasoavina's proposal. The reason why the Commission had replaced the word "règnent" by the word "existent" could be explained in the commentary.

108. Mr. CASTRÉN (Chairman of the Drafting Committee) said that it would be best to adopt Mr. Eustathiades's suggestion and give the necessary explanation in the commentary.

109. Mr. BARTOŠ, supported by Mr. YASSEEN, proposed that the wording suggested by Mr. Eustathiades be adopted.

110. Sir Humphrey WALDOCK said it would be best simply to point out that the French version of article 14 had been brought into line with the English version, without going into the question of whether or not the conditions were political.

111. Mr. RAMANGASOAVINA said he could accept the wording "*circonstances et conditions dans l'Etat hôte*".

112. The CHAIRMAN put article 14, as amended in the original version by the substitution of the word "in" for the word "of" and in the French version by the deletion of the words "*qui règnent*", to the vote.

Article 14, as thus amended, was adopted by 15 votes to none.

The meeting rose at 6 p.m.

⁷ See United Nations, *Treaty Series*, vol. 500, p. 102.