

Document:-  
**A/CN.4/SR.989**

**Summary record of the 989th meeting**

Topic:  
**Other topics**

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*Paragraph 44*

116. Mr. AGO suggested the deletion of the second sentence.

117. The CHAIRMAN noted that that suggestion was generally acceptable.

*Paragraph 45*

118. Mr. AGO suggested that the last sentence should be amended to read: "The Commission concluded that it was premature to take a decision on the question of the judicial settlement of disputes".

119. The CHAIRMAN noted that that suggestion met with general approval.

*Paragraph 46*

120. The CHAIRMAN suggested that, in the first sentence, the words "this subject heading" should be replaced by the words "the task entrusted to the Special Rapporteur".

121. He noted that that suggestion met with general approval.

*Paragraph 47*

122. Mr. KEARNEY said that the meaning of the words "administrative contracts" in the fourth sentence was not clear.

123. Mr. CASTAÑEDA suggested that, in the English text, those words should be replaced by "Government contracts", the French text remaining unchanged.

124. Mr. KEARNEY said that the question of transfer of assets and liabilities in the public domain, listed under point (3) in the first sentence, should perhaps be mentioned in the fourth sentence also.

125. Mr. CASTAÑEDA observed that the French expression "*patrimoine public*" was difficult to render in English; it might be well to delete point (3). He would have no objection to deleting point (5) as well.

126. Mr. EUSTATHIADES, supported by Sir Humphrey WALDOCK, proposed that point (5) should be amended to read: "Special problems arising from decolonization".

127. Mr. USHAKOV suggested that the second sentence should be amended to read: "The predominant view was that the economic aspects of succession should be considered first".

128. The CHAIRMAN noted that the members present were in favour of Mr. Castañeda's first two suggestions and of the changes suggested by Mr. Eustathiades and Mr. Ushakov.

*Paragraphs 48-52*

129. Mr. EUSTATHIADES pointed out that paragraphs 48 to 52 stated individual views. Perhaps paragraphs 49-52 might be deleted and paragraph 48 alone retained.

130. Sir Humphrey WALDOCK endorsed that suggestion.

131. Mr. TABIBI (Rapporteur), opposed it.

132. The CHAIRMAN observed that paragraphs 49-52 set forth some very definite views held by members; the Commission should make it clear that it had examined them carefully.

133. Mr. EUSTATHIADES said that, of those paragraphs, paragraph 50 was the most important. Perhaps that paragraph alone should be retained and should be transferred to the part of the report dealing with the general discussion.

134. Mr. AGO objected that the result would be to give undue prominence to the problems dealt with in paragraph 50.

135. Sir Humphrey WALDOCK suggested that the order of sections 8 and 9 should be reversed, so that the part of chapter III under discussion would end with the decision recorded in paragraph 47.

136. Mr. TABIBI (Rapporteur) accepted that suggestion.

137. Mr. KEARNEY said that, in view of the limited time at the Commission's disposal, many members of the Commission had deliberately refrained from taking part in the discussion recorded in paragraphs 48-52. The discussion had not therefore been truly general, and he wondered whether that fact should not be reflected in the paragraphs concerned.

138. Mr. TABIBI (Rapporteur) said that, in preparing the reports of all United Nations organs, it was the practice to summarize the views expressed in discussion; the fact that other views had been withheld could not be reflected in such reports.

139. Mr. EUSTATHIADES suggested that the title of the former section 9 — henceforth section 8 — should be amended to read: "Particular comments by members on certain aspects of the topic", and the last sentence of paragraph 48 to read: "The Commission did not discuss these subjects".

140. The CHAIRMAN noted that there was general approval for the suggestions just made by Mr. Eustathiades.

The meeting rose at 6.55 p.m.

**989th MEETING**

*Friday, 2 August 1968, at 9 a.m.*

*Chairman:* Mr. José María RUDA

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

**Draft report of the Commission on the work  
of its twentieth session**

(A/CN.4/L.132-L.135 and Addenda)

(continued)

*Chapter III*

**SUCCESSION OF STATES AND GOVERNMENTS**

(A/CN.4/L.132 and Add.1) (continued)

**PART I (Background) AND PART IIA (Summary of the  
Commission's debates at its twentieth session: Succession  
in respect of matters other than treaties)** (continued)

1. The CHAIRMAN said that, if there was no objection he would take it that the Commission approved the passages of chapter III of the draft report examined at the previous meeting and the amendments suggested thereto.

*It was so agreed.*

2. The CHAIRMAN invited the Commission to re-examine individually the paragraphs of the former section 9, now section 8, of chapter III, part IIA which had been discussed collectively at the previous meeting.

*Paragraphs 48 to 50*

*Paragraph 48, as amended at the previous meeting,<sup>1</sup> and paragraphs 49 and 50 were approved.*

*Paragraph 51*

3. Mr. BARTOŠ criticized the first sentence of paragraph 51; although most members of the Commission agreed that acquired rights no longer had the same significance as in the past, they had not said that such rights no longer existed. They had taken a more flexible attitude.

4. Mr. CASTRÉN reminded the Commission that the Special Rapporteur, in his report, had expressed himself quite firmly on that point.

*Paragraph 51 was approved.*

*Paragraph 52*

5. Mr. KEARNEY said he found the expression "human rights", in the third sentence, inappropriate; the rights referred to were property rights.

6. Mr. EL-ERIAN (Special Rapporteur), suggested that the words "human rights" should be replaced by the words "status of aliens".

7. Mr. BARTOŠ pointed out that human rights embodied a safeguard of property rights based on the equality of the inhabitants of a given territory. They could not be deprived of their property save by law.

8. The CHAIRMAN suggested that, in the third sentence, the word "relevant" should be inserted before the words "rules of international law" and that the words "relating to human rights" should be deleted.

*It was so agreed.*

*Paragraph 52, as amended, was approved.*

**PART II B. (Succession in respect of treaties)**

*Paragraphs 53 to 60*

*Paragraphs 53 to 60 were approved.*

*Paragraph 61*

9. Sir Humphrey WALDOCK (Special Rapporteur) proposed, first, that the words "and this regardless" in the fifth sentence should be replaced by the word "independently". Secondly, he proposed that the full-stop at the end of the fifth sentence should be replaced by a semi-colon and the following words inserted: "in this connexion he pointed out that the draft Vienna convention on the law of treaties had a new article — article 9 bis — providing in general terms for "other methods" of participation in treaties in addition to signature, ratification, acceptance, etc". Thirdly, he proposed that the word "types" in the last sentence should be replaced by the word "causes".

*It was so agreed.*

*Paragraph 61, as amended, was approved.*

*Paragraph 62*

*Paragraph 62 was approved.<sup>2</sup>*

*Paragraph 63*

10. Sir Humphrey WALDOCK (Special Rapporteur) suggested that paragraphs 63 and 64 should be brought together under the heading "Title of the topic".

*It was so agreed.*

*Paragraph 63 was approved.*

*Paragraph 64*

11. Sir Humphrey WALDOCK (Special Rapporteur) suggested some drafting changes in paragraph 64, designed to establish the title of the topic as "Succession in respect of treaties".

*Those suggestions were adopted.*

*Paragraph 64, as amended, was approved.*

*Paragraph 65*

12. Sir Humphrey WALDOCK (Special Rapporteur), supported by Mr. AGO, proposed that the last two sentences in paragraph 65 should be deleted.

*It was so agreed.*

13. Sir Humphrey WALDOCK (Special Rapporteur) proposed that the first sentence in paragraph 65 should be transferred to the end of paragraph 62.

*It was so agreed.*

*Paragraph 65, as amended, was approved.*

*Chapter III as a whole, as amended, was approved.*

*Chapter II*

**RELATIONS BETWEEN STATES AND  
INTERNATIONAL ORGANIZATIONS (A/CN.4/L.134  
and Corr.1 and Add.1-5)**

**Section A (Historical background and scope of the topic)**

*Section A was approved.*

<sup>1</sup> See paras. 139 and 140.

<sup>2</sup> See paragraph 13 below.

*Section B* (Title of the topic)*Section B was approved.**Section C* (Form and title of the draft articles)*Section C was approved.**Section D* (Scope of the draft articles)*Paragraph 17*

14. Mr. CASTRÉN proposed that the rest of the sixth sentence after the word "gap" should be deleted as redundant.

*It was so agreed.*

15. In response to comments by Mr. AGO and Mr. EL-ERIAN (Special Rapporteur), Sir Humphrey WALDOCK, proposed that the following sentence should be inserted after the fifth sentence: "Indeed, they considered that there were at least as great differences between some of the universal organizations—for example, between the Universal Postal Union, the International Labour Organisation and the United Nations—as between the United Nations and the major regional organizations".

*It was so agreed.**Paragraph 17, as amended, was approved.**Paragraph 18*

16. The CHAIRMAN suggested that the words "paragraph 2 of" should be inserted before the words "article 2", at the end of the paragraph.

*It was so agreed.**Paragraph 18, as amended, was approved.**Paragraph 19**Paragraph 19 was approved.**Section D as a whole, as amended, was approved.**Section E* (Draft articles on representatives of States to international organizations)*Amendment to the title of article 4 and to the text of article 7*

17. Mr. USTOR proposed the following changes in two of the draft articles adopted at the 986th meeting: first, that the title of article 4<sup>3</sup> should be amended to read "Relationship between the present articles and the relevant rules of international organizations"; and secondly, that the word "international" should be inserted before the word "organizations" in paragraphs 1 and 2 of article 7.<sup>4</sup>

*Mr. Ustor's proposals were adopted.*

## COMMENTARIES TO THE DRAFT ARTICLES

18. The CHAIRMAN invited the Commission to examine the commentaries to draft articles 1, 2 and 4-20 (A/CN.4/L.134/Add.1-5).<sup>5</sup> As the documents had been circulated in English only, the Secretariat would subsequently incorporate in the French and Spanish texts any changes which had been made.

<sup>3</sup> See 972nd meeting, para. 40.

<sup>4</sup> For text, see 981st meeting, para. 55.

<sup>5</sup> For consideration of the commentary to article 1, see below, paragraphs 67-72. Article 3 had been combined with article 2.

## COMMENTARY TO ARTICLE 2 (Scope of the present articles) (A/CN.4/L.134/Add.1)

*Paragraphs (1) and (2)**Paragraphs (1) and (2) were approved.**Paragraph (3)*

19. Mr. USTOR proposed that the words "the organizations" should be replaced by the words "States members of organizations" and that the words "representatives of States by the adoption of" should be replaced by the words "their representatives to such organizations by adopting".

*It was so agreed.**Paragraph (3), as amended, was approved.**The commentary to article 2, as amended, was approved.*

## COMMENTARY TO ARTICLE 4 (Relationship between the present articles and the relevant rules of international organizations) (A/CN.4/L.134/Add.1)

*Paragraph (1)*

20. Mr. KEARNEY proposed that in the last sentence the words "to the extent possible" should be replaced by the words "to the extent feasible at the present stage of development".

*It was so agreed.**Paragraph (1), as amended, was approved.**Paragraphs (2) and (3)**Paragraphs (2) and (3) were approved.**Paragraph (4)*

21. Mr. KEARNEY proposed that the words "which would otherwise have required specific reservations" should be deleted from the third sentence.

*It was so agreed.**Paragraph (4), as amended, was approved.**Paragraph (5)**Paragraph (5) was approved.**The commentary to article 4, as amended, was approved.*

## COMMENTARY TO ARTICLES 4 bis (Relationship between the present articles and other existing international agreements) and 4 ter (Derogation from the present articles) (A/CN.4/L.134/Add.1)

*Paragraphs (1) to (4)**Paragraph (1) to (4) were approved.**Paragraph (5)*

22. Mr. USTOR proposed that, in the second sentence, the words "general rules of international law concerning interpretation of treaties" should be replaced by the words "rules of the general law of treaties".

*It was so agreed.**Paragraph (5), as amended, was approved.**The commentary to articles 4 bis and 4 ter, as amended, was approved*

COMMENTARY TO ARTICLE 5 (Establishment of permanent missions) (A/CN.4/L.134/Add.1)

*Paragraphs (1) and (2)*

*Paragraphs (1) and (2) were approved.*

*Paragraph (3)*

23. Mr. CASTRÉN proposed that in the first sentence, the words "or its Secretariat" should be deleted.

*It was so agreed.*

*Paragraph (3), as amended, was approved.*

*Paragraph (4)*

24. Mr. KEARNEY proposed that, in the first sentence, the words "particularly in the provisions relating to functions" should be inserted after the words "international organizations".

25. Mr. EL-ERIAN (Special Rapporteur), said that proposal was acceptable to him.

*Mr. Kearney's proposal was adopted.*

*Paragraph (4), as amended, was approved.*

*Paragraph (5)*

*Paragraph (5) was approved.*

*Paragraph (6)*

26. Mr. AGO proposed that the first sentence should be amended to read: "It is to be noted that the institution of permanent missions of Member States has not so far been developed within the Organization of African Unity".

*It was so agreed.*

*Paragraph (6), as amended, was approved.*

*The commentary to article 5, as amended, was approved.*

COMMENTARY TO ARTICLE 6 (Functions of a permanent mission) (A/CN.4/L.134/Add.1)

*Paragraph (1)*

27. In response to a suggestion by Mr. EUSTATHIADES, Mr. EL-ERIAN (Special Rapporteur), proposed that paragraph (1) should be amended to read "Since the functions of permanent missions are numerous and varied, article 6 merely lists the most important of these functions under broad headings".

*It was so agreed.*

28. Mr. BARTOŠ observed that the Commission's intention had been to list, not all the functions of a permanent mission, but only the most important categories of functions.

*Paragraph (1), as amended, was approved.*

*Paragraph (2)*

29. Mr. KEARNEY proposed that the words following "as head of the mission is," should be replaced by the words "responsible for the maintenance of official relationships between the Government of the sending State and the Organization".

*It was so agreed.*

*Paragraph (2), as amended, was approved.*

*Paragraph (3)*

30. Mr. KEARNEY proposed that, in the first sentence, the words "the principal activity" should be amended to read "a principal activity".

*It was so agreed.*

*Paragraph (3), as amended, was approved.*

*Paragraphs (4) and (5)*

*Paragraphs (4) and (5) were approved.*

*Paragraph (6)*

31. Mr. KEARNEY observed that the fourth and fifth sentences were inaccurate and might lead to misinterpretation. He proposed that they should be deleted.

*It was so agreed.*

32. Mr. EUSTATHIADES proposed that the word "classical" in the sixth sentence should be deleted.

*It was so agreed.*

*Paragraph (6), as amended, was approved.*

*Paragraph (7)*

*Paragraph (7) was approved.*

*The commentary to article 6, as amended, was approved.*

COMMENTARY TO ARTICLE 7 (Accreditation to two or more international organizations or assignment to two or more permanent missions) (A/CN.4/L.134/Add.1)

*The commentary to article 7 was approved.*

COMMENTARY TO ARTICLE 8 (Accreditation, assignment or appointment of a member of a permanent mission to other functions) (A/CN.4/L.134/Add.2)

*Paragraph (1)*

33. The CHAIRMAN suggested that the words "corresponds to" in the first sentence should be replaced by the words "deals with the situation envisaged in".

*It was so agreed.*

*Paragraph (1), as amended, was approved.*

*Paragraphs (2) and (3)*

*Paragraphs (2) and (3) were approved.*

*Paragraph (4)*

34. Mr. CASTRÉN suggested that the change made in the first sentence of paragraph (1) should also be made in paragraph (4).

*It was so agreed.*

*Paragraph (4), as amended, was approved.*

*Paragraph (5)*

*Paragraph (5) was approved.*

35. The CHAIRMAN said that the paragraph on page 4 of the document which was numbered (5) should be renumbered (5 bis)

*Paragraph (5 bis)*

36. Mr. USTOR proposed that, in the second sentence, the word "or" before the words "head of diplomatic mission" should be replaced by "as" and the words "accreditation or assignment to international organizations" should be replaced by the words "case dealt with in article 8 of the draft articles".

*It was so agreed.*

37. Mr. AGO proposed that the opening words of the paragraph should be amended to read "Adopting the principle laid down in article 5, paragraph 3, of the Vienna Convention on Diplomatic Relations,".

*It was so agreed.*

*Paragraph (5 bis), as amended, was approved.*

*Paragraph (6)*

38. Mr. KEARNEY proposed that the words "inter alia" should be inserted after the word "reserves".

*It was so agreed.*

39. The CHAIRMAN suggested that the words "the heads of consular posts" should be replaced by the words "consular officers".

40. Mr. BARTOŠ pointed out that an exequatur was always required for all consular personnel, even under the Vienna Convention.

*The Chairman's suggestion was adopted.*

*Paragraph (6), as amended, was approved.*

*Paragraph (7)*

*Paragraph (7) was approved.*

*The commentary to article 8, as amended, was approved.*

COMMENTARY TO ARTICLE 9 (Appointment of the members of the permanent mission) (A/CN.4/L.134/Add.2)

*Paragraphs (1) and (2)*

*Paragraphs (1) and (2) were approved.*

*Paragraph (3)*

41. Mr. KEARNEY proposed that, in the fourth sentence, the remainder of the sentence after the words "diplomatic mission" should be deleted.

*It was so agreed.*

*Paragraph (3), as amended, was approved.*

*Paragraph (4)*

42. Sir Humphrey WALDOCK questioned whether the quotation from the article on "Immunities and Privileges of Delegations to the United Nations"<sup>6</sup> should be retained in the text. Although references to authorities were accepted in initial reports, they were usually omitted at later stages of study.

43. Mr. EL-ERIAN (Special Rapporteur) said that, in his view, the quotation could be retained since the articles were being examined on first reading and the study in question was one of the very few that had been published on permanent missions.

44. Mr. YASSEEN said he felt that, even so, the presentation of the passage should be changed.

45. Mr. USHAKOV proposed that the word "stated" should be replaced by the word "described".

*It was so agreed.*

*Paragraph (4), as amended, was approved.*

*The commentary to article 9, as amended, was approved.*

COMMENTARY TO ARTICLE 9 bis (Nationality of the members of the permanent mission) (A/CN.4/L.134/Add.2)

*Paragraphs (1) to (3)*

*Paragraphs (1) to (3) were approved.*

*Paragraph (4)*

46. Mr. KEARNEY proposed that, in the third sentence, the word "choice" should be replaced by the word "selection" and the words "to appoint as its representatives" by the words "of appointing, as members of its permanent mission".

*It was so agreed.*

*Paragraph (4), as amended, was approved.*

*Paragraphs (5) and (6)*

*Paragraphs (5) and (6) were approved.*

*The commentary to article 9 bis, as amended, was approved.*

COMMENTARY TO ARTICLE 10 (Credentials of the permanent representative) (A/CN.4/L.134/Add.2)

*Paragraph (1)*

*Paragraph (1) was approved.*

*Paragraph (2)*

47. Mr. KEARNEY proposed that, in the second sentence, the word "the" before "Bolivian" should be replaced by "a".

*It was so agreed.*

*Paragraph (2), as amended, was approved.*

*Paragraph (3)*

*Paragraph (3) was approved.*

*Paragraph (4)*

48. Mr. KEARNEY proposed that, in the last sentence, the words "must be issued" should be amended to read "may be issued".

*It was so agreed.*

*Paragraph (4), as amended, was approved.*

*Paragraph (5)*

49. Mr. KEARNEY proposed that, in the first sentence, the words "on which organ should the Secretary-General report to on this matter" should be amended to read "as to which organ the Secretary-General should report to on this matter".

*It was so agreed.*

*Paragraph (5), as amended, was approved.*

*The commentary to article 10, as amended, was approved.*

COMMENTARY TO ARTICLE 11 (Accreditation to organs of the Organization) (A/CN.4/L.134/Add.3)

*Paragraphs (1) to (3)*

*Paragraphs (1) to (3) were approved.*

<sup>6</sup> Article by Leo Grass in *International Organization*, vol. XVI, No. 3, p. 491.

*Paragraph (4)*

50. Mr. EL-ERIAN (Special Rapporteur) suggested that the third sentence should be deleted.

*It was so agreed.*

*Paragraph (4), as amended, was approved.*

*Paragraphs (5) to (7)*

*Paragraphs (5) to (7) were approved.*

*The commentary to article 11, as amended, was approved.*

COMMENTARY TO ARTICLE 12 (Full powers to represent the State in the conclusion of treaties) (A/CN.4/L.134/Add.3)

*Paragraphs (1) to (4)*

*Paragraphs (1) to (4) were approved.*

*Paragraph (5)*

51. Mr. KEARNEY suggested the deletion of paragraph (5). He did not recall that the Commission had taken any decision to give later consideration to the question of full powers relating to termination of treaties.

52. Mr. TAMMES said it had been agreed that some reference to that question should be included in the commentary because the point was not covered by the draft convention on the law of treaties.<sup>7</sup>

53. Mr. CASTRÉN proposed that, in order to meet Mr. Kearney's objection, the opening words of the second sentence, "The Commission will consider" should be amended to read "The Commission may consider".

*It was so agreed.*

*Paragraph (5), as amended, was approved.*

*The commentary to article 12, as amended, was approved.*

COMMENTARY TO ARTICLE 13 (Composition of the permanent mission) (A/CN.4/L.134/Add.3)

*Paragraphs (1) to (5)*

*Paragraphs (1) to (5) were approved.*

*Paragraph (6)*

54. Mr. BARTOŠ drew attention to the fact that paragraph (6) made no mention of experts or advisers. The members of permanent missions to international organizations very often included experts and advisers who were regarded by States as members of the diplomatic staff.

55. Mr. EL-ERIAN (Special Rapporteur) pointed out that, in paragraph (6) of the commentary to article 1, it was stated that article 1, sub-paragraph (h), "refers expressly to experts and advisers in view of the prominent role played by these officials and the important services rendered by them as members of permanent missions, especially in international organizations of a technical character". He suggested that the existing text of paragraph (6) of the commentary to article 13 should be replaced by a reference to that passage of the commentary to article 1.

*It was so agreed.*

*Paragraph (6), as amended, was approved.*

*Paragraphs (7) and (8)*

*Paragraphs (7) and (8) were approved.*

*Paragraph (9)*

56. Mr. KEARNEY proposed that the last three sentences should be deleted.

*It was so agreed.*

*Paragraph (9), as amended, was approved.*

*The commentary to article 13, as amended, was approved.*

COMMENTARY TO ARTICLE 14 (Size of the permanent mission) (A/CN.4/L.134/Add.3)

*Paragraph (1)*

57. Mr. KEARNEY proposed that the last sentence should be amended to read as follows: "It lays down as a guide-line to be observed by the sending State that the latter should, when establishing the composition of its permanent mission, not make it excessively large".

*It was so agreed.*

*Paragraph (1), as amended, was approved.*

*Paragraphs (2) and (3)*

*Paragraphs (2) and (3) were approved.*

*Paragraph (4)*

58. Mr. EL-ERIAN (Special Rapporteur) said that the following sentence should be added at the end of the paragraph: "In the case of permanent missions to international organizations, remedies must be sought in consultations between the host State, the organization concerned and the sending State, but the principle of the freedom of the sending State in the composition of its permanent mission and the choice of its members must be recognized".

59. Mr. KEARNEY proposed that, in the fourth sentence, the word "recognized" should be replaced by the word "accorded".

*It was so agreed.*

*Paragraph (4), as amended, was approved.*

*Paragraph (5)*

*Paragraph (5) was approved.*

*Paragraph (6)*

60. Mr. KEARNEY proposed that the second sentence be altered to read: "In such cases, particularly if there is more than one permanent representative, from the legal point of view there is more than one mission". In the third sentence, the words "[The ... needs of a mission] which groups in effect more than one mission together are obviously different" should be amended to read: "which has a function of representation to more than one organization may be different".

*It was so agreed.*

*Paragraph (6), as amended, was approved.*

*Paragraph (7)*

61. Mr. KEARNEY proposed that, in the last sentence, after the words "will consider", the remainder of the sentence should read: "inclusion of an article of general

<sup>7</sup> See 984th meeting, paras. 34 and 35.

scope concerning remedies available to the host State in the event of claimed abuses by a permanent mission”.

*It was so agreed.*

*Paragraph (7), as amended, was approved.*

*The commentary to article 14, as amended, was approved.*

COMMENTARY TO ARTICLE 15 (Notifications) (A/CN.4/L.134/Add.3)

*Paragraph (1)*

*Paragraph (1) was approved.*

*Paragraph (2)*

62. Mr. KEARNEY proposed that, in the last sentence, the words “of particular application to permanent missions to international organizations is” should be deleted and the following words added at the end of the sentence: “applies specifically to permanent missions to international organizations”. The sentence would then read: “However, the question whether the sending State is obliged to give the notification referred to in paragraph 1 of article 15 to the Organization or to the host State or to both applies specifically to permanent missions to international organizations”.

*It was so agreed.*

*Paragraph (2), as amended, was approved.*

*Paragraphs (3) and (4)*

*Paragraphs (3) and (4) were approved.*

*Paragraph (5)*

63. Mr. USTOR proposed that, in the second sentence, the words “Some of these agencies (e.g. ILO)” should be replaced by “For example, the ILO”. In the sixth sentence, the words “Other specialized agencies (e.g. UNESCO) have” should be replaced by “UNESCO has”.

*It was so agreed.*

*Paragraph (5), as amended, was approved.*

*Paragraphs (6) and (7)*

*Paragraphs (6) and (7) were approved.*

*The commentary to article 15, as amended, was approved.*

COMMENTARY TO ARTICLE 16 (Chargé d'affaires ad interim) (A/CN.4/L.134/Add.3)

*The commentary to article 16 was approved.*

COMMENTARY TO ARTICLE 17 (Precedence) (A/CN.4/L.134/Add.4)

*The commentary to article 17 was approved.*

COMMENTARY TO ARTICLES 18 AND 19 (COMBINED TEXT) (Offices of permanent missions) (A/CN.4/L.134/Add.4)

*Paragraph (1)*

64. Mr. KEARNEY proposed that, in the first sentence, the words “if the premises of a mission were” should be amended to read “if the office of a permanent mission was”.

*It was so agreed.*

*Paragraph (1), as amended, was approved.*

*Paragraphs (2), (3) and (4)*

*Paragraphs (2), (3) and (4) were approved.*

*The commentary to articles 18 and 19 (combined text), as amended, was approved.*

COMMENTARY TO ARTICLE 20 (Use of flag and emblem) (A/CN.4/L.134/Add.4)

*Paragraph (1)*

65. Mr. USTOR proposed that the last sentence should be deleted. There was nothing to prevent a permanent representative from using the flag of the sending State on a hired car.

*Mr. Ustor's proposal was adopted.*

*Paragraph (1), as amended, was approved.*

*Paragraph (2)*

66. Mr. CASTRÉN proposed that the following words should be added at the end of the paragraph: “and on paragraph 2 of article 19 of the draft articles on special missions”.

*It was so agreed.*

*Paragraph (2), as amended, was approved.*

*Paragraphs (3) and (4)*

*Paragraphs (3) and (4) were approved.*

*The commentary to article 20, as amended, was approved.*

COMMENTARY TO ARTICLE 1 (Use of terms) (A/CN.4/L.134/Add.5)

*Paragraph (1)*

67. Mr. USHAKOV proposed that the text of paragraph (1) should be replaced by the wording used in paragraph (1) of the commentary to article 1 of the draft articles on special missions:<sup>8</sup> “Following the example of many conventions concluded under the auspices of the United Nations, the Commission has specified in article 1 of the draft the meaning of the expressions most frequently used in it”.

*It was so agreed.*

*Paragraph (1), as amended, was approved.*

*Paragraph (2)*

68. Mr. KEARNEY proposed that, in the second sentence, the words “in the framework” should be replaced by the words “for the purposes”.

*It was so agreed.*

*Paragraph (2), as amended, was approved.*

*Paragraphs (3) and (4)*

*Paragraphs (3) and (4) were approved.*

*Paragraph (5)*

69. Mr. KEARNEY proposed that, in the first sentence, the word “generally” should be replaced by the words “in general”.

*It was so agreed.*

*Paragraph (5), as amended, was approved.*

<sup>8</sup> See *Official Records of the General Assembly, Twenty-second Session, Supplement No. 9 (A/6709/Rev.1)*, chapter II, section D.



*Paragraph (6)*

70. Mr. USHAKOV proposed that, in the fourth sentence, the words “in the corresponding provision” should be expanded to read “in the English text of the corresponding provision”.

*It was so agreed.*

71. Mr. KEARNEY proposed that, in the fifth sentence, the words “career diplomats” should be replaced by the words “persons having diplomatic titles” and the words “diplomatic personnel” by the word “them”.

*It was so agreed.*

*Paragraph (6), as amended, was approved.*

*Paragraph (7)*

72. Mr. EL-ERIAN (Special Rapporteur) said that ITU should be added to the specialized agencies mentioned in brackets at the end of the paragraph.

*Paragraph (7), as amended, was approved.*

*Paragraphs (8) and (9)*

*Paragraphs (8) and (9) were approved.*

*The commentary to article 1, as amended, was approved.*

*Chapter II of the draft report as a whole, as amended, was approved.*

*Chapter V***OTHER DECISIONS AND CONCLUSIONS OF THE COMMISSION (A/CN.4/L.135 and Add.1)**

*(resumed from the previous meeting)*<sup>9</sup>

73. The CHAIRMAN said that, if there was no objection, he would take it that the Commission approved the passages of chapter V of the draft report examined at the previous meeting and the amendments suggested thereto.

*It was so agreed.*

**C. Organization of future work**  
(resumed from the 987th meeting)

74. The CHAIRMAN invited the Commission to consider the following draft which had been prepared for section C.<sup>10</sup>

1. The Commission deemed it desirable to complete the study of relations between States and international organizations and of succession in respect of treaties, and substantially to advance the study of State responsibility and of succession in respect of matters other than treaties before the end of 1971, when the term of office of its present members is due to expire. To this effect the Commission deemed it necessary to reserve the possibility of a winter session in 1970 and agreed to record this decision in the present report in order that arrangements for budgetary appropriations could be made in time.

2. The Commission intends, at its twenty-first session in 1969, and at its suggested winter session early in 1970, to conclude the first reading of its drafts on relations between States and international organizations and on succession in respect of treaties. After comments have been received from Governments on the two

drafts, the Commission would conclude its work on both topics at its twenty-third session in 1971. At its twenty-first session in 1969 the Commission will also undertake substantive consideration of State responsibility. The study of this topic, as well as of succession in respect of matters other than treaties, would be given priority at the Commission's twenty-second session in 1970. At the same time, and within the limits of the time available, the Commission will also continue its study of the most favoured-nation clause.

*Paragraph 1*

75. After a brief discussion, Sir Humphrey WALDOCK proposed that the first sentence, after the words “in respect of treaties”, should be amended to read as follows: “and to make progress on the study of State responsibility and of succession in respect of matters other than treaties during the remainder of the Commission's term of office in its present composition”.

*It was so agreed.*

*Paragraph 1, as amended, was approved.*

*Paragraph 2*

76. Mr. AGO proposed that, in the second sentence, the words “the Commission would conclude” should be amended to read “the Commission aims at concluding” and that, in the third sentence, the words “the Commission will also undertake” should be amended to read “the Commission plans also to undertake”.

*It was so agreed.*

77. Sir Humphrey WALDOCK proposed that, at the end of the second sentence, the following words should be inserted: “if the scope of the work on these subjects should allow it”.

*It was so agreed.*

78. Mr. KEARNEY proposed that the last sentence should be replaced by the following: “During its mandate, the Commission plans also to continue its study of the most-favoured-nation clause”.

*It was so agreed.*

*Paragraph 2, as amended, was approved.*

*Chapter V of the draft report, as a whole, as amended, was approved.*

*Adoption of the draft report as a whole*

*The draft report of the Commission on the work of its twentieth session (A/CN.4/L.132-L.135 and Addenda), as approved, was adopted.*

**Closure of the session**

79. Mr. AGO expressed his appreciation of the courtesy and firmness with which the Chairman had conducted the Commission's deliberations, thus enabling it to complete its work satisfactorily.

80. The Commission had been able to examine a considerable part of Mr. El-Erian's brilliant report and had begun the study of a number of topics, in particular the report by Sir Humphrey Waldoock on succession in respect of treaties and the working paper submitted by Mr. Ustori on the most-favoured-nation clause. It had examined the problem of the organization of its future work and the

<sup>9</sup> See paras. 1-24.

<sup>10</sup> See 987th meeting, para. 59.

important question of the final stage of the codification of international law.

81. He thanked the Chairman of the Drafting Committee and First Vice-Chairman of the Commission, the Second Vice-Chairman, the General Rapporteur and the four Special Rapporteurs for their efforts. He wished also to pay a tribute to all the members of the Secretariat, and in particular to the Secretary of the Commission, who had carried out his duties with great efficiency.

82. Mr. CASTAÑEDA, speaking also on behalf of Mr. Albónico and Mr. Amado, endorsed what Mr. Ago had said.

83. Mr. BARTOŠ, Mr. USHAKOV, Mr. YASSEEN, Sir Humphrey WALDOCK, Mr. USTOR, Mr. CASTRÉN, Mr. KEARNEY and Mr. EUSTATHIADES associated themselves with the tribute paid by Mr. Ago.

84. Mr. TABIBI (Rapporteur) thanked the members for their kind words and said he wished to join in the tributes paid to the Chairman, the two Vice-Chairmen, the Secretary of the Commission and the Secretariat.

85. Mr. EL-ERIAN thanked the members for their expressions of appreciation. As Special Rapporteur, he was grateful to the Chairman, the First Vice-Chairman, particularly in his capacity of Chairman of the Drafting

Committee, the Second Vice-Chairman, the General Rapporteur and the other members of the Commission for their help, encouragement and co-operation. He wished to say a special word of thanks to the Secretary of the Commission and to the Secretariat for the invaluable assistance they had given him.

86. The CHAIRMAN thanked all the members for their generous words. It had been a great honour for him to preside over the twentieth session of the Commission; as Chairman, he had gained a new insight into the unique spirit of friendly co-operation which prevailed in the Commission. That spirit was not so much one of compromise — for the members adhered to their opinions — as of mutual understanding, which enabled the members to arrive at a common result.

87. He thanked the two Vice-Chairmen and the Rapporteur for their help and support and warmly endorsed the tributes paid to the four Special Rapporteurs. He also expressed his appreciation of the work of the Secretary of the Commission and his able staff, and thanked all the other members of the Secretariat who had assisted the Commission.

88. He declared the twentieth session of the International Law Commission closed.

The meeting rose at 2.10 p.m.