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OBSERVATIONS AND SUGGESTIONS CONCERNING THE ENGLISH TEXT
OF THE DRAFT ARTICLES ON REPRESENTATIVES OF STATES TO
INTERNATIONAL ORGANIZATIONS

Working paper submitted by the Secretariat

At its 1086th meeting, on 10 July 1970, the International Law Commission requested the Secretariat to "examine with regard to language and concordance the English, French, Spanish and Russian texts of the draft articles on representatives of States to international organizations, adopted at the twentieth, twenty-first and twenty-second session... [and] to submit its observations and suggestions in one or several working papers...". (A/CN.4/SR.1086, paras. 30 and 31). The present observations and suggestions concerning the English text of the draft articles are submitted in pursuance of that request. They were prepared by the secretariat of the Commission with the assistance of the language services of the United Nations office at Geneva.

As regards the draft articles adopted at the twentieth and twenty-first sessions, the observations and suggestions refer to the printed text of the Commission's reports on the work of those sessions (Official Records of the General Assembly, Twenty-third Session, Supplement No. 9 (A/7209/Rev.1, reprinted in the Yearbook of the International Law Commission 1968, vol. II) and Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 10 (A/7610/Rev.1)). As regards the draft articles adopted at the twenty-second session, they refer to the mimeographed text of the report (A/8010 and Corr.1 and 2, English only) since the printed text had not yet been published at the time they were issued.

The observations and suggestions concerning the texts of the draft articles in the other working languages will be found in the following documents:

A/CN.4/L.163 (French only), L.164 (Spanish only) and L.165 (Russian only).

A. GENERAL OBSERVATIONS AND SUGGESTIONS

1. In United Nations documents the expression "the Organization", with an initial capital letter, traditionally means the United Nations, so that its use throughout the draft to mean "the international organization in question" (see article 1, sub-paragraph (c)) may be confusing. It is also contrary to English typographical practice; a capital letter is sometimes used for a particular existing organization, but not for an unspecified hypothetical one. Since the meaning of the expression is defined, the initial capital would only serve a purpose if the same expression were used without it to mean something different, which does not seem to be the case. It is therefore suggested that "the organization" be written with an initial lower-case letter.

2. The meaning of the expression "the present part", which is used in articles 51, 75, 78, 79, 91, 108, 110 and 111, is insufficiently clear, except where it is used at the beginning of a part of the draft and thus immediately follows the title of that part, as in articles 51 and 78. It would be better to say, in English, "this part of the present articles"; but since translation of these words into French involves an awkward repetition, they would not be satisfactory. It is therefore suggested that the following wording be used:

(a) in articles 51 and 78: "the present part";

(b) in article 75:^{1/} "part III of the present articles";

(c) in articles 79, 91, 108, 110 and 111:^{1/} "part IV of the present articles".

3. Several articles repeat words which are part of a definition given in articles 1, 51 or 78. For instance, article 11 refers to "members of the diplomatic staff of the permanent mission". But the expression "members of the

^{1/} Articles 75 and 111 are entitled "Non-discrimination". It may be assumed that they will be deleted if article 44, which is also entitled "Non-discrimination", is "removed to the end of the whole draft in order to apply not only to permanent missions but also to the parts on permanent observers... and delegations..." (Para. (7) of commentary on article 44).

diplomatic staff" is defined in paragraph (h) of article 1 as "the members of the staff of the permanent mission, including experts and advisers, who have diplomatic status". The Commission may wish to eliminate such repetitions whenever the context is clear.^{2/}

4. There appears to be an inconsistency in the titles of the draft articles: some use the indefinite article "a", others the definite article "the". Thus, for instance, article 7 is entitled "Functions of a permanent mission" and article 14 "Composition of the permanent mission". In still other cases the plural is used as in the title of article 20: "Offices of permanent missions".

5. Although the Secretariat is well aware that the arrangement of the articles on the use of terms (articles 1, 51 and 78) is provisional, it believes that it should submit the following observations which the Commission may wish to consider when it reviews that arrangement. Since article 1 is placed at the beginning of part I: General Provisions, the definitions it contains might be expected to apply to the whole draft. At first sight, however, only sub-paragraphs (a), (b) and (c) appear to have such a scope; the remaining sub-paragraphs^{3/} concern rather part II and could, for the sake of symmetry, be placed at the beginning of that part, just as the definitions applying to parts III and IV (articles 51 and 78) are placed at the beginning of those parts. The sub-paragraphs which would be thus transferred to the beginning of part II, would be, of course, preceded by the phrase "For the purposes of the present part". It should be pointed out, however, that there may be some disadvantages in placing at the beginning of each part the article on the use of terms applying to that part. Thus, for instance,

^{2/} It should be noted, however, that similar repetitions occur also, although less frequently, in the Vienna Convention on Diplomatic Relations (see for instance article 17 and paragraph 2 of article 19) and in the Convention on Special Missions (see for instance articles 36 and 37).

^{3/} The provisions of sub-paragraph (m), defining an "organ of an international organization", are identical to the provisions of sub-paragraph (k) of article 51, appearing in part III. As regards part IV, sub-paragraph (a) of article 78 contains a definition of the term "organ" which is different from the definition of "organ of an international organization" appearing in articles 1 and 51. There are also, but to a lesser degree, some differences between the definitions of the term "host State" appearing in articles 1, 51 and 78.

articles 97 (Freedom of communication) and 107 (Privileges and immunities in case of multiple functions), which appear in part IV, refer to "permanent missions" and to "permanent observer missions". It would seem that those two terms should be understood, in the context of articles 97 and 107, in the meaning given to them by articles 1 and 51, respectively. But article 51 defines a "permanent observer mission" only for the purposes of part III. The Commission may therefore wish to consider the possibility of placing all the definitions, properly arranged, at the beginning of the draft, that is, in part I.

B. SUGGESTIONS AND OBSERVATIONS CONCERNING INDIVIDUAL ARTICLES

PART I. GENERAL PROVISIONS

Article 1

1. The verb "to mean" is used in some sub-paragraphs and the verb "to be" in others.

For the sake of uniformity, it is suggested that the verb "to mean" should be used throughout, as in article 2 of the Vienna Convention on the Law of Treaties. This suggestion was made during the Commission's last session and accepted by the Special Rapporteur (A/CN.4/SR.1054, paras. 5 and 39).^{4/}

2. In sub-paragraph (b) it would be better to say "An international organization of a universal character". The indefinite article should be included here, as it is in the phrase "on a world-wide scale".

3. Similarly, in sub-paragraph (d) it would be better to say "a mission of a representative and permanent character".

4. Sub-paragraph (m) should be amended to read:

(m) An "organ of an international organization" means a principal or subsidiary organ, or any commission, committee or sub-group of any such organ.

The words "any of those bodies", in the plural, are confusing, because the word "bodies" has not previously been used, and the reference is to "a principal

^{4/} Article 1 of the Vienna Convention on Diplomatic Relations and article 1 of the Convention on Special Missions used the verb "to be"; article 1 of the Vienna Convention on Consular Relations uses the verb "to mean".

or subsidiary organ", which is singular; it would therefore be clearer to say "any such organ". This is the wording used in article 78, sub-paragraph (a).

The expression "an organ of an international organization", being singular, can mean only one organ in any particular case, not several organs at once; it is therefore correct to say "or any commission" rather than "and any commission".

Article 2

In paragraph 1, add the indefinite article "a" before the words "universal character". See paragraph 2 of the suggestions for article 1, above.

Article 5

In the second line, replace the word "having" by "containing".

/PART II. PERMANENT MISSIONS TO INTERNATIONAL ORGANIZATIONS/

/Section 1. Permanent missions in general/

Article 6

In the last line, the words "set forth" should be replaced by "provided for".

Article 7 does not "set forth" all the functions, but only specifies some of them "inter alia"; the present wording of article 6 is therefore restrictive, since it only permits performance of the functions "set forth". The words "provided for" could cover functions not actually "set forth".

Article 7

1. In sub-paragraph (b) replace the word "Keeping" by "Maintaining". This is the word used in article 53 in a similar context, and "maintaining liaison" is the more usual expression.

2. In sub-paragraph (c) it might be better to say "Carrying out negotiations" or simply "Negotiating", as in article 3, paragraph 1 (c) of the Convention on Diplomatic Relations and article 53 of the draft.

The words "carrying on" suggest that the negotiations have already been started, which would not necessarily be the case.

Articles 8 and 9

The following suggestions may be made with respect to articles 8 and 9, which are entitled respectively "Accreditation to two or more international organizations or assignment to two or more permanent missions" and "Accreditation, assignment or appointment of a member of a permanent mission to other functions".

(a) The action of appointing a person to a permanent mission is expressed in the two articles by three different verbs: "to accredit", "to assign" and "to appoint". In article 10 that action is expressed by a single verb - "to appoint" - with respect to all the members of the mission. The Convention on Diplomatic Relations uses "appointment" for all the members of the diplomatic mission in article 10.1 (a); "to accredit" for the head of mission in articles 5 and 6; "to appoint" for the members of the staff of the mission in article 7; and "to assign to a State" for the members of the diplomatic staff in article 5. It does not use the expression "to assign as a member". The Commission may therefore wish to retain in articles 8 and 9 the verb "to accredit" when referring to the permanent representative but, for the sake of uniformity, to replace the expression "to assign as a member" by "to appoint as a member".

(b) Article 8 - but not article 9 - indicates that the accreditation or appointment is done by the sending State. It would seem preferable that such an indication should also appear in article 9.

(c) Paragraph 2 of article 8 and paragraphs 1, 2 and 3 of article 9 do not state expressly that the member of the permanent mission continues to exercise his functions in the mission after his accreditation or appointment to other functions. That is however expressly stated in paragraph 1 of article 8 and should therefore be so stated in the other provisions of the two articles.

(d) The first phrases of paragraphs 1 and 2 of article 8 provide for the accreditation of a member of the permanent mission to one or more other functions. All the other provisions of articles 8 and 9 deal with accreditation or appointment of a member of the permanent mission to only one other function. It would seem preferable that they too should deal with the accreditation or appointment to one or more other functions.

(e) In the third and fourth lines of paragraph 2 of article 9, the expression "as a member of a diplomatic or special mission" includes the head of the diplomatic mission. Since the latter is already dealt with in the second line of the paragraph,

the reference should be not to a member of the diplomatic mission but to a member of the staff of the diplomatic mission. This change will require the drafting of a separate provision for the appointment to a special mission.

(f) The expression "Accreditation... to other functions" in the title of article 9 is unusual. A person is accredited to a State or to an international organization, not to a function. It is therefore suggested to amend the title of article 9 to read "Other accreditations or appointments".

(g) In view of the discussion summarized in paragraph (4) of the commentary on article 9, the Commission may wish to place at the beginning of that article the following introductory phrase:

"1. Nothing in the present articles shall prevent a member of a permanent mission from being also:

"(a) etc. ..."

If the above suggestions are accepted, articles 8 and 9 could be amended to read:

"Article 8

"Accreditation to two or more international organizations or appointment to two or more permanent missions

"1. The same person may be:

"(a) accredited by the sending State as its permanent representative to two or more international organizations;

"(b) appointed by the sending State as a member of the staff of its permanent missions to two or more international organizations.

"2. A person accredited by the sending State as its permanent representative to one or more international organizations may also be appointed by that State as a member of the staff of its permanent missions to one or more other international organizations.

"3. A person appointed by the sending State as a member of the staff of its permanent missions to one or more international organizations may also be accredited by that State as its permanent representative to one or more other international organizations."

"Article 9

"Other accreditations or appointments

"1. Nothing in the present articles shall prevent a member of a permanent mission from being also:

"(a) accredited by the sending State as head of one or more of its diplomatic missions [to the host State or to other States];^{5/}

"(b) appointed by the sending State as a member of the staff of one or more of its diplomatic missions [to the host State or to other States];^{5/}

"(c) appointed by the sending State as a member of one or more of its special missions [to the host State or to other States];^{5/}

"(d) appointed by the sending State as a member of one or more of its consular posts [in the host State or in other States].^{5/}

"2. The accreditation and appointment referred to in paragraph 1 of this article shall be governed by the rules of international law concerning diplomatic and consular relations.

Article 17

1. For the sake of uniformity, the first part of paragraph 1 (a) should be amended to bring it into line with article 89, paragraph 1 (a), which is more concise.

2. In the first line of paragraph 1(b), the words "a person" should be replaced by "any person".^{6/} This wording would be closer to the Spanish and (suggested) French versions and is in itself an improvement.

3. While the expression in paragraph 1(d) "engagement... as members of the permanent mission" is good English, the same cannot be said for "discharge... as members of the permanent mission". To avoid this difficulty the paragraph might be redrafted to read:^{6/}

^{5/} The Commission may wish to consider whether the phrases between brackets are necessary.

^{6/} It should be noted that, as presently worded, paragraphs 1 (b) and 1 (d) reproduce mutatis mutandis the corresponding provisions of the Convention on Diplomatic Relations (article 10, paragraphs 1 (b) and (d)). In addition, the expression "discharge of persons" appears also in the Convention on Special Missions (article 11.1 (d)).

"(d) The engagement, as members of the permanent mission or as private staff entitled to privileges and immunities, of persons resident in the host State and the discharge of such persons."

Article 18

In the last line, the words "in case he is unable to do so" should be replaced by "if he is unable to do so".^{7/}

The present wording would normally mean "lest he may be unable to do so", whereas the meaning intended here is "if he actually is unable to do so".

Article 19

The word "the" before "alphabetical order" should be deleted. It is incorrect unless a particular alphabetical order is specified, e.g. "the alphabetical order used in the host State" (article 90).

Section 2. Facilities, privileges and immunities

Article 23

It should be noted that article 23 is entitled "Accommodation of the permanent mission and its members". It refers both to premises of the permanent mission and to the accommodation of the members of the mission. The corresponding article of part IV - article 93 - is entitled "Premises and accommodation". In part III, article 66, which corresponds to articles 23 and 24 ("Assistance by the Organization in respect of privileges and immunities"), is entitled "Accommodation and assistance".

The Commission may wish to review the titles of those articles.

Article 26, paragraph 1

Replace the words "or another member" by "and the members", as in article 95, paragraph 1.

^{7/} "In case he is unable to do so", is taken from the Convention on Diplomatic Relations (article 19, paragraph 1).

Since this is an enumeration of the entities and persons exempted from taxation, the correct conjunction to use is "and", and not "or".

Article 29, paragraph 7

In the third line, the word "land" should be replaced by "arrive" or "call", which would be closer to the French and Spanish versions.

A ship does not "land" at a port.^{8/}

Article 31, paragraph 1

The text should be amended to read "The private residence of the permanent representative and of the members of the diplomatic staff...".

The present wording implies that all the persons mentioned have one and the same residence, which may not be the case.

Article 33, paragraph 1

The text should be amended to read: "The immunity from jurisdiction of the permanent representative and members of the diplomatic staff of the permanent mission and of persons enjoying immunity under article 40...".

Three classes of persons are mentioned; there seems to be no reason for using the word "or" between the first and second class, but "and" between the second and third. The change proposed brings the wording closer to that of article 32, paragraph 1 of the Convention on Diplomatic Relations, which says "and of persons enjoying immunity...".

Article 35

1. The last two lines of paragraph 1 should be amended to read "be exempt from the social security provisions in force in the host State". The present wording is wrong^{9/} since it means that the persons mentioned shall be exempt from social

^{8/} "To land at [a] port" appears in article 27, paragraph 7, of the Convention on Diplomatic Relations and in article 28, paragraph 8, of the Convention on Special Missions.

^{9/} That wording is taken from article 33, paragraph 1 of the Convention on Diplomatic Relations. It appears also in article 32, paragraph 1 of the Convention on Special Missions.

security provisions of the kind specified, which, quite incidentally, may be in force in the host State. That is not the meaning intended.

2. In paragraph 2 (b) delete the words "which may be". See paragraph 1 above.

3. In the second line of paragraph 3, the words "who employ" should be replaced by "if they employ", since all permanent representatives and members of the diplomatic staff may not employ non-exempted persons.

The corresponding passage in the Convention on Diplomatic Relations (article 33, paragraph 3) reads: "A diplomatic agent who employs..." which makes it clear that all diplomatic agents do not.

Article 38

1. In paragraph 1 (b) it is by no means clear that the words "or members of his family forming part of his household" apply to "the permanent representative"; they may easily be taken as applying only to "a member of the diplomatic staff". This difficulty does not arise in the corresponding article 36, paragraph 1 (b), of the Convention on Diplomatic Relations, because only one person and his family are mentioned.

The text could be amended to read "... or of members of the family of such representative or member forming part of his household, including articles intended for his establishment".

2. In the first sentence of paragraph 2, the words "or a member" should be replaced by "and of the members"; the baggage is exempt in both cases, not in one case or the other. See article 103, paragraph 2.

3. At the beginning of the last sentence, the word "Such" should be deleted; it has no proper antecedent, since what is referred to in the previous sentence is not inspection, but exemption from inspection.^{10/} The sentence should begin "In such cases, inspection shall be ..." as in article 103, paragraph 2.

^{10/} It should be noted that the word "Such" appears in the corresponding provision of the Convention on Diplomatic Relations (article 36, paragraph 2). However, the Convention on Special Missions uses the expression "In such cases", as suggested above (article 35, paragraph 2).

Article 39

The first line should be amended to read "Members of the permanent mission who are not nationals...", which is the simplest and clearest way of expressing this idea in English, and is closer to the French and Spanish texts. The words "not being nationals" may suggest the meaning "because they are not nationals", which is not intended here.

Article 40, paragraph 3

At the end of the paragraph, the word "contained" should be replaced by "provided for".

This would bring the wording into line with paragraph 2 of article 35, to which this paragraph refers.

Article 41, paragraph 1

In the fourth line the words "who are nationals" should be replaced by "if they are nationals".

The corresponding passage of the Convention on Diplomatic Relations (article 38, paragraph 1) reads "a diplomatic agent who is a national..." which makes it clear that all diplomatic agents are not.

Article 42

1. In the fourth line of paragraph 1 it would be better to say "if he is already in its territory".
2. At the end of the first sentence of paragraph 2, it would be better to say "or on the expiry". See paragraph 3 of this article.
3. In the last line of paragraph 2 the words "continue to" are redundant and should be deleted. These words are taken from paragraph 2 of article 39 of the Convention on Diplomatic Relations. Their raison d'être there is the phrase "but shall subsist until that time, even in case of armed conflict", which appears at the end of the first sentence of the paragraph. That phrase is not reproduced in paragraph 2 of article 42.

4. For the sake of uniformity and conciseness the last sentence of paragraph 4^{11/} should be amended to bring it into line with article 109, paragraph 2. It would then read: "Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the permanent mission or of the family of a member of the permanent mission."

5. Although the expression "the country" in paragraphs 2 and 3 is taken from a article 39 of the Vienna Convention, it would be preferable to replace it by "the territory of the host State" which appears in article 108.

Article 43

1. At the end of the fourth line of paragraph 2, the words "and of members" should be replaced by "or of members" since the sentence is negative.^{12/}

.As it stands, the paragraph means that third States may not hinder both the members and their families, which implies that they may hinder either one of them without the other.

2. In the fifth line of paragraph 4, the words "whose presence"^{13/} should be replaced by "when their presence" since the presence of the persons and objects mentioned is not always due to force majeure.

^{11/} It should be noted, however, that, as presently drafted, that sentence is taken from the corresponding provision of the Convention on Diplomatic Relations (article 39, paragraph 4). On the other hand, the Convention on Special Missions uses the formula "which is in the receiving State solely because" (article 44, paragraph 2).

^{12/} Here again "and of members" is taken from the Convention on Diplomatic Relations (article 40, paragraph 2). The expression "or of members" appears in the Convention on Special Missions (article 42, paragraph 2).

^{13/} "Whose presence" appears in the Convention on Diplomatic Relations (article 40, paragraph 4). The Convention on Special Missions uses the expression "when the use of the territory" (article 42, paragraph 5).

/Section 3. Conduct of the permanent mission and its members/

Article 45, paragraph 2

In the last sentence, the word "either", before "the Organization", should be deleted and the word "on" should be inserted before "the premises".

The word "either" is unnecessary here; "on the premises" is a recognized expression frequently used in legal documents.

Article 46

The title should be amended to read like the title of article 48 of the Convention on Special Missions: "Professional or commercial activity". There seems to be no reason why one of the two activities mentioned in the article should be included in the title and the other omitted.

/Section 4. End of functions/

Article 47

1. There is an obvious misprint at the end of the introductory sentence, which should read "come to an end, inter alia:".

2. The secretariat wishes to point out that, while article 47 states that "The functions... come to an end", the corresponding provision of part IV - article 114 - uses the expression "The functions... shall come to an end".

3. In sub-paragraph (a), replace the words "to this effect" by the words "of their ending" or "of their termination". The expression "to this effect" is not very precise here; it is not used in the corresponding article 43 (a) of the Convention on Diplomatic Relations, which is more specific.

Article 48

The words "in order" in the second line should be deleted.^{14/}

^{14/} The words "in order" appear in the corresponding provision of the Convention on Diplomatic Relations (article 44). The Convention on Special Missions uses the expression "facilities to enable" (article 45, paragraph 1).

The sentence specifies the kind of facilities to be granted, and these are "facilities to enable persons... to leave" not "facilities in order to enable persons... to leave". Better still would be to say "facilities for persons... and for members of the families of such persons... to leave its territory". Article 49, paragraph 2, has "facilities for removing".

Article 49

The title should be amended to read "Protection of premises, property and archives".

There seems to be no reason for omitting one of the three items enumerated in the text and including the other two.

/PART III. PERMANENT OBSERVER MISSIONS TO INTERNATIONAL ORGANIZATIONS/

/Section 1. Permanent observer missions in general/

Article 51

1. The verb "to mean" should be used throughout, instead of "to be". See paragraph 1 of the suggestions for article 1, above.

2. In sub-paragraph (a), the indefinite article should be inserted in the phrases "of a representative and permanent character" and "not a member of that organization".

See paragraphs 2 and 3 of the suggestions for article 1, above.

3. Sub-paragraph (k) should be amended to read "... a principal or subsidiary organ, or any commission, committee or sub-group of any such organ".

See paragraph 4 of the suggestions for article 1 above, and article 78, sub-paragraph (a) of the draft.

Article 52

In the last line, the words "set forth" should be replaced by the words "provided for".

See suggestion for article 6, above.

Article 54

Article 54 is based on article 8.^{15/} If the suggestions made above concerning that article are accepted, article 54 could be amended to read:

"Article 54

"Accreditation to two or more international organizations or
appointment to two or more permanent observer missions

"1. The same person may be:

"(a) accredited by the sending State as its permanent observer to two or more international organizations;

"(b) appointed by the sending State as a member of the staff of its permanent observer missions to two or more international organizations.

"2. A person accredited by the sending State as its permanent observer to one or more international organizations may also be appointed by that State as a member of the staff of its permanent observer missions to one or more other international organizations.

"3. A person appointed by the sending State as a member of the staff of its permanent observer missions to one or more international organizations may also be accredited by that State as its permanent observer to one or more other international organizations."

Article 61

The suggestions made above with regard to article 17 apply also mutatis mutandis to article 61.

Article 62

The words "in case" in the second sentence should be replaced by "if". See suggestion for article 18, above.

^{15/} It should be noted that part III contains no provisions corresponding to article 9. Part IV contains no provisions corresponding to articles 8 or 9.

Section 2. Facilities, privileges and immunities of
permanent observer missions/ 16/

Article 66

See above the observations concerning article 23.

Article 69

1. In the third line of paragraph 2, the words "and the members" should be replaced by "and of members".

This would make the meaning clearer.

2. In paragraph 3 the words "together with" should be replaced by "and of" for the same reason.

Article 70

Grammatically, the phrase "who are nationals of or permanently resident in the host State" can be taken as applying only to "persons on the private staff". The sentence should be amended to make it clear that this phrase also applies to "members of the permanent observer mission". One possibility would be to insert commas before and after the words "and persons on the private staff"; alternatively, the article could be amended to read: "The provisions of article 41 shall apply also in the case of persons who, being members of the permanent mission or employed on the private staff, are nationals of or permanently resident in the host State".

Article 72

The words "not being nationals" should be replaced by "who are not nationals", which is the clearest way to express this idea.

Article 74

The words "and the couriers" should be amended to read "and of the couriers". This would make for greater clarity.

16/ It should be noted that the title of section 2 of part II reads simply "Facilities, privileges and immunities". Moreover, "mission" is in the singular in the titles of sections 3 of parts II and III. It is in the plural in the titles of sections 1 of parts II and III. "Delegation" is in the singular in the title of section 3 of part IV and is in the plural in the titles of sections 1 and 2 of that part.

/Section 3. Conduct of the permanent observer mission
and its members/

/Section 4. End of functions/

/PART IV. DELEGATIONS OF STATES TO ORGANS AND TO CONFERENCES/

/Section 1. Delegations in general/

Article 78

1. The verb "to mean" should be used throughout, instead of "to be".
See paragraph 1 of the suggestions for article 1, above.
2. In the opening phrase, the word "purpose" should be replaced by "purposes",
to conform with articles 1 and 51,^{17/}
3. In sub-paragraph (a), the words "and any commission" should be replaced by
"or any commission".
See paragraph 4 of the proposals for article 1, above.
4. In sub-paragraph (h), a comma should be inserted between the words "delegation"
and "including".

Article 79

It would be better to say "agreements containing different provisions".
See the suggestions for article 5, above.

Article 80

For the sake of uniformity, it would be better to say "The provisions of
articles...".

Articles 66 to 74 and 92, 104, 113 and 115 use this form of words consistently.

^{17/} Article 1 of the Convention on Diplomatic Relations uses "purpose".
Articles 1 of the Convention on Consular Relations and of the Convention
on Special Missions use "purposes"; so does article 2 of the Convention
on the Law of Treaties.

Article 81

Article 78 does not define the term "staff" but the expressions "members of the /diplomatic/ /administrative and technical/ /service/ staff". In the last sentence of article 81, therefore, the words "members of the" should be inserted between "include" and "diplomatic". See articles 15 and 59.

Article 86

1. In the fourth line of paragraph 1, the words "in case he is unable to do so" should be replaced by "if he is unable to do so", which are clearer and more concise.

See suggestions for article 18 above.

2. In paragraph 2, the word "provided" should be inserted before "in paragraph 1"; the phrase would then read "... another person may be designated as provided in paragraph 1 of this article".

Article 89

Paragraphs 2 and 3 of the suggestions concerning article 17 apply mutatis mutandis to article 89.

/Section 2. Facilities, privileges and immunities
of delegations/ 18/

Article 93

1. See above the observations concerning article 23.

2. To bring this article into line with article 23, paragraph 2, the word "delegation" should be replaced by "delegations" throughout. With the necessary consequential changes the article would then read:

"The host State shall assist delegations to an organ or to a conference, if they so request, in procuring the necessary premises and obtaining suitable accommodation for their members. The organization shall, where necessary, assist delegations in this regard".

18/ See above foot-note 16.

Article 97, paragraph 8

The suggestion made above with respect to article 29, paragraph 7, applies to article 97, paragraph 8.

Article 103

The Commission has noted in its commentary on article 103 that "there are certain differences in formulation from" the corresponding provisions on permanent missions (article 38) and has expressed the intention of reviewing those differences in the course of the second reading. The secretariat, therefore, submits no suggestions with respect to article 103.

Article 104

The capital letters in the title should be reduced to lower case as in all the other titles (see also article 92).

Article 105, paragraph 2

1. In the third line, the word "immunities" should be replaced by "immunity" (singular), as in paragraph 2 of article 100 (both alternatives), and in the corresponding passage of article 36 of the Convention on Special Missions.
2. The words "specified in paragraph 2 of article 100" in the third line should be transferred to the fourth line, and placed after the words "host State,". This is the natural order, and it is followed in article 36 of the Convention on Special Missions.
3. In the sixth line, the word "mentioned" should be replaced by "specified", which is the word used everywhere else in this article for such references.

Article 107

In the third line the words "the privileges" should be replaced by "their privileges", as in article 9, paragraph 2, of the Convention on Special Missions and article 59, paragraph 2, on permanent observer missions.

Article 108, paragraph 2

Paragraph 2 of article 108 is based on the provisions of the Convention on Special Missions (paragraph 2 of article 43) which reproduce mutatis mutandis the language of paragraph 2 of article 39 of the Convention on Diplomatic Relations, including the phrase "but shall subsist until that time, even in case of armed conflict". Since that phrase does not appear in paragraph 2 of article 108, the words "continue to" in the last line should be deleted for the reasons indicated above in paragraph 3 of the suggestions concerning article 42.

Article 110

In the second line of paragraph 4, the word "respectively" might be added before "in paragraphs 1, 2 and 3". If this word is considered necessary in paragraph 5, and in article 43, paragraph 4, it may also be necessary here. If it is not necessary, it could be omitted from all these paragraphs.^{19/}

/Section 3. Conduct of the delegation and its members/

Article 112

In the second sentence of paragraph 2 (see A/8010/Corr.2) the words "in the premises" should be replaced by "on the premises", which is the accepted English expression.

See suggestions for article 45, paragraph 2, above.

Article 113

The title should be amended to read "Professional or commercial activity".
See the suggestion for article 46 above.

^{19/} It should be pointed out, however, that the same inconsistency in the use of the word "respectively" occurs in article 42 of the Convention on Special Missions on which article 110 is based.

/Section 4. End of functions/

Article 114

1. Paragraphs 2 and 3 of the observations and suggestions concerning article 47 apply to article 114.
2. In sub-paragraph (b) of article 114 the word "upon" should be replaced by "on", to match sub-paragraph (a).

Article 116

1. The suggestion concerning the title of article 49 applies to the title of article 116.
2. In the last line of paragraph 1 of article 116, the word "to" before the "host State" should be replaced by "of". This is probably a typing error.
