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**Summary record of the 1105th meeting**

Topic:  
**Representation of States in their relations with international organizations**

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## 1105th MEETING

Monday, 24 May 1971, at 3.10 p.m.

Chairman: Mr. Senjin TSURUOKA

*Present:* Mr. Ago, Mr. Albónico, Mr. Alcívar, Mr. Bartoš, Mr. Castrén, Mr. Elias, Mr. Nagendra Singh, Mr. Reuter, Mr. Rosenne, Mr. Sette Câmara, Mr. Tammes, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldoock, Mr. Yasseen.

### Relations between States and international organizations

(A/CN.4/221 and Add.1; A/CN.4/238 and Add.1 and 2; A/CN.4/239 and Add.1 and 2; A/CN.4/240 and Add.1 to 6; A/CN.4/241 and Add.1 to 6; A/CN.4/L.162/Rev.1)

[Item 1 of the agenda]

(continued)

#### QUESTION OF TEMPORARY OBSERVERS

1. The CHAIRMAN invited the Commission to comment on Mr. Ustor's proposal that the Special Rapporteur should be asked to prepare a working paper on temporary observers.<sup>1</sup> The Commission need take no final decision on the matter at that stage.
2. Mr. YASSEEN said he feared that action on Mr. Ustor's proposal would lead to serious difficulties. The Commission was engaged in the second reading of the draft articles and had undertaken to put them into final form at the present session. If it tried to draft provisions on temporary observers, it would not have time to consult governments. All things considered, the question raised by Mr. Ustor was a matter of detail which could easily be settled according to the provisions already drawn up by the Commission, the relevant rules of organizations and the rules of procedure of conferences. In any case, the draft could not be criticized as being incomplete because it did not contain express provisions on temporary observers.
3. Mr. CASTRÉN said he appreciated Mr. Yasseen's arguments but thought that the Special Rapporteur should nevertheless be asked to amplify the working paper he had submitted on the subject at the previous session.<sup>2</sup> Since rules on the subject already existed, it should be relatively easy to extract general principles from them.
4. Mr. BARTOŠ supported Mr. Ustor's proposal. The first point to be decided was whether temporary observers were to be regarded as observers within the meaning of Part III of the draft, or as *ad hoc* delegates of governments, with only limited powers. In the first case, their status could be adequately regulated on the basis of the

articles applicable to permanent observers; in the second case, their status would have to be the subject of special rules.

5. The Commission had been in a similar situation when delimiting the subject-matter of special missions and of permanent missions to international organizations. The Special Rapporteur should therefore be asked to make a careful examination of the status of temporary observers and give his views.

6. Mr. AGO said he shared Mr. Yasseen's concern that the Commission should keep to its time-table, but he thought the draft would be incomplete without articles on temporary observers. If it was to avoid criticism for such an omission, the Commission must consider the subject, even though it would doubtless raise even thornier problems than that of permanent observers.

7. Mr. USHAKOV reminded the Commission that it was the Special Rapporteur himself who had proposed that the question of temporary observers should be dealt with; he would no doubt be willing to re-examine that question in a new working paper. In the light of that paper, the Commission would act as circumstances required. If possible, it would prepare separate articles; otherwise it would have to defer consideration of the question.

8. The CHAIRMAN, speaking as a member of the Commission, observed that the Commission had little time at its disposal, and that it was important to consult governments on the problem of temporary observers. Such consultation was all the more necessary because the problem concerned all States which might convene international conferences, whereas in the case of permanent observers the few States acting as host to international organizations were those most directly concerned. It was to be hoped, therefore, that the discussion would not become confused by matters of detail.

9. Mr. USTOR said he agreed with Mr. Castrén and Mr. Ushakov that, since the Special Rapporteur had already submitted a working paper on the question of temporary observers, it would not be an imposition to ask him to submit a further paper suggesting how the subject could be dealt with at the present stage.

10. Sir Humphrey WALDOCK said that the Commission should do its best to deal with the subject. When it saw the Special Rapporteur's proposals, it might find that they raised problems which should, in principle, be submitted to governments for comment; in that event, the Commission might still complete its work on draft articles on temporary observers, but place them in an annex, thus giving them a different status from the rest of the draft.

11. The CHAIRMAN said that, if there were no further comments, he would take it that the Commission agreed to request the Special Rapporteur to prepare a working paper on the question of temporary observers, taking the discussion into account.

*It was so agreed.*<sup>3</sup>

<sup>1</sup> See 1103rd meeting, para. 26.

<sup>2</sup> A/CN.4/L.151.

<sup>3</sup> For resumption of the discussion see 1121st meeting, para. 65.

PART IV. *Delegations of States  
to organs and to conferences*

12. The CHAIRMAN invited the Commission to consider Part IV of the draft, on delegations of States to organs and to conferences. The first article in Part IV was article 78, on the use of terms; he suggested that consideration of that article should be deferred, in conformity with the Commission's decisions on earlier articles on the same subject.

13. Mr. CASTRÉN suggested that consideration of articles 79 and 80 should also be deferred; the provisions of those articles were connected with those of articles 3, 4 and 5, which the Commission had decided to examine later.

14. Mr. SETTE CÂMARA said he agreed with Mr. Castrén, but in the light of the Special Rapporteur's observations on article 79 (A/CN.4/241/Add.5) it seemed necessary to consider how that article was to be combined with article 5 in Part I.

15. Mr. ALCÍVAR said that there was an additional reason for deferring consideration of article 80. Since that article merely rendered the provisions of certain other articles applicable in certain circumstances, it would be preferable not to discuss it until the Commission had dealt with those other articles, namely, articles 81, 83, 86, 88 and 90.

16. The CHAIRMAN noted that there was general agreement to defer consideration of articles 78 to 80.

ARTICLE 81

17. He invited the Commission to consider article 81, to which the Special Rapporteur had proposed no change.

18.

*Article 81  
Composition of the delegation*

A delegation to an organ or to a conference shall consist of one or more representatives of the sending State among whom the sending State may appoint a head. It may also include diplomatic staff, administrative and technical staff and service staff.

19. Mr. TAMMES said that he wished to make a general remark which was difficult to submit in connexion with any individual article. The Commission had decided to defer consideration of article 78, on the use of terms, but sub-paragraph (b) of that article provided that, for the purposes of Part IV of the draft, a conference meant "a conference of States convened by or under the auspices of an international organization, other than a meeting of an organ".

20. Since article 2, paragraph 1, limited the scope of the draft articles to representatives of States to "international organizations of universal character", it followed that, in the context of the draft as a whole, only conferences connected with a universal organization were covered by the provisions of Part IV. Other conferences, even if they were of a universal character, remained outside the scope of the draft.

21. The Netherlands Government, in its written comments, had given several examples of conferences which, although of a universal character, were not convened by a world-wide organization (A/CN.4/240/Add.3, section B.11, para. 21). It was unsatisfactory that the draft should disregard such conferences and cover only those governed by existing rules which had already been applied for a long time without any difficulty, namely, conferences convened by, or under the auspices of, organizations of a universal character.

22. In his observations on that point (A/CN.4/241/Add.5, para. 7 under article 78), the Special Rapporteur had referred to the working paper he had submitted to the Commission, at its twenty-second session, on temporary observer delegations and conferences not convened by international organizations.<sup>4</sup> At the end of his working paper, the Special Rapporteur had suggested that:

"As regards conferences not convened by international organizations, the application of the draft articles on representatives of States to international organizations and conferences could be extended to them either by referring to conferences in general in the draft articles and not only to conferences convened by international organizations or by adding at the end of the articles relating to conferences convened by international organizations a provision making them applicable to conferences not convened by international organizations."

Of those two suggestions, he (Mr. Tammes) preferred the second; he thought the introduction of a separate article on the subject at the end of Part IV would make the whole draft as comprehensive as possible.

23. He therefore suggested that the Commission should invite the Special Rapporteur to prepare a draft article on the lines suggested in his working paper. That should not present any great difficulty, since only one article was required and governments had already commented on its subject-matter in connexion with article 78, sub-paragraph (b).

24. Mr. USHAKOV said he agreed with Mr. Tammes in regard to article 78, sub-paragraph (b). At the Commission's twenty-second session he had strongly opposed the idea of dealing in the same provisions both with delegations to organs of international organizations and with delegations to conferences convened by international organizations.<sup>5</sup> Such an assimilation was entirely artificial and raised many problems, as shown by the Netherlands Government's reaction to article 78, sub-paragraph (b). There were no real links between the organization convening a conference and the conference itself. Once it had opened, a conference was entirely independent, with its own tasks, composition, working methods and rules of procedure. He still considered that the draft should contain separate provisions on delegations to conferences, so that all conferences could be covered, even

<sup>4</sup> A/CN.4/L.151.

<sup>5</sup> See *Yearbook of the International Law Commission, 1970*, vol. I, p. 56.

including those which were not convened by international organizations.

25. Sir Humphrey WALDOCK said it was not clear exactly how far the universal character of the organization convening the conference limited the application of the draft. The limitation stated in article 2, paragraph 1, was not repeated in Part IV, nor indeed in Part III, and it would be necessary to clarify whether, in fact, Part IV covered only conferences convened by organizations of a universal character; it would also be necessary to clarify the position in regard to Part III.

26. Mr. SETTE CÂMARA said that the present text of article 81, including the requirement that at least one person must be appointed as representative of the sending State and the faculty of appointing a head of the delegation, was in conformity with international practice. The system in force in the International Labour Organisation was covered, since the text did not lay down any obligation to appoint a head of the delegation.

27. He suggested that article 81 should be referred to the Drafting Committee with a recommendation to consider the editorial change suggested by the United Nations Secretariat (A/CN.4/L.162/Rev.1).

28. Mr. YASSEEN supported that suggestion.

29. Mr. ALCÍVAR pointed out that in United Nations practice a distinction was made between the members of a delegation, who were usually called "delegates", and the permanent representative, who was not always a member of the delegation. He suggested that the Drafting Committee should carefully examine the wording of article 81 in the light of that practice.

30. Mr. ROSENNE said that, in view of the important point raised by Sir Humphrey Waldoock, the Drafting Committee might well consider whether all the articles in Part IV should not constitute a separate set of draft articles. The application of the key articles 3, 4 and 5 to Part IV was made more complicated by the distance separating those articles from Part IV.

31. With regard to the point raised by Mr. Alcívar, he suggested that the Drafting Committee should consider the inclusion of a general reservation on nomenclature. The indication in article 78, on the use of terms, that the meanings therein attached to various terms were given "for the purpose of the present part" might not be sufficient. It would be desirable to state in an article at the end of the draft that the various provisions it contained were without prejudice to the usages of States and of international organizations regarding what they understood by such terms as "delegation" and "mission".

32. Mr. USHAKOV, referring to Sir Humphrey Waldoock's comment, said that article 78 did not specify what kind of organization was meant, because the Commission had assumed that the definition of the term "international organization" given in article 1 applied to the whole draft, including Part IV. Sub-paragraph (a) of article 78 should therefore be understood to refer to an organ of "an international organization of universal character", and sub-paragraph (b) to a conference con-

vened by "an international organization of universal character".

33. Sir Humphrey WALDOCK pointed out that in article 1 the term "international organization" was stated to mean simply an "intergovernmental organization". Since the term was used in Part IV without any qualification, it was not clear whether the provisions of that part applied to all conferences or only to those convened by an organization of a universal character.

34. Mr. USTOR pointed out that in article 78, sub-paragraph (b), a conference was said to mean a "conference of States convened by or under the auspices of an international organization". Nothing was said about whether the organization was of a universal, regional or other character. The Commission should specify whether the articles in Part IV were intended to apply only to conferences convened by organizations of a universal character, or whether they would also apply, for example, to a universal conference convened by a regional organization.

35. Mr. YASSEEN said it was more a matter of the scope of the draft than the wording of the article. The Commission had taken a deliberate decision and should make that plain in the commentary.

36. Mr. USHAKOV said that the Commission had always had organizations of a universal character in view. Article 1 defined an "international organization of universal character", and article 2 applied to the whole draft.

37. The question of the universality of conferences themselves was one the Commission could not settle, for the principle of universality raised political issues, whether the conferences were convened by international organizations or not. He himself supported the principle of universality, but he doubted whether all the members were of the same opinion. The Special Rapporteur should try to find a solution of the problem.

38. Mr. BARTOŠ observed that the question at issue was important from the standpoint of the codification of international law. Although he was a firm supporter of the principle of universality, he realized that it did not always prevail in practice. Some people, while professing to favour the principle, claimed that certain States were not worthy to participate in international legal cooperation. The Commission had already declared itself in favour of the principle of universality, but had been able to leave it to the General Assembly and the major codification conferences to settle the matter in practice. In his view the Commission should not rely on the political conditions of the day; it was required lay down real legal rules on the subject. If it was to do that, the principle of universality must reflect reality. The Commission should state plainly that, in its opinion, the principle could not be applied unless it was accompanied by legal rules.

39. Mr. AGO said that the Commission should not complicate the question. The draft articles dealt with relations between States and international organizations. The Commission had confined itself to international organizations with universal responsibility. Such organ-

izations could have organs which were or were not universal. For instance, the Economic Commission for Europe was a regional organ of an organization with universal responsibility. The meetings of such an organ were covered by the draft articles. Similarly, conferences convened by international organizations could be universal or regional. If they were convened by international organizations of a universal character, they came within the scope of the draft articles. But it would be wrong to go so far as to say that the Commission had in mind only delegations to organs or conferences of a universal character. It might perhaps have been better, as Mr. Ushakov maintained, not to deal with delegations to conferences in Part IV.

40. The Drafting Committee should carefully examine the questions of terminology raised by Mr. Alcívar and Mr. Rosenne. The term "permanent representative" was very ambiguous, as the term "permanent delegate" was also used with reference to certain organs of international organizations. The meaning of those terms should be specified in the commentary or in an article.

41. Mr. YASSEEN said that the difference in wording was intentional. An organ or a conference was not necessarily universal, and it sometimes happened that an organization with universal responsibility convened a conference concerned with only one region or continent; there did not appear to be any reason why the rule should not apply in such cases. The difference in drafting therefore reflected a different solution, and the text should be clarified in order to prevent any misunderstanding.

42. Mr. ELIAS said that the point raised by Mr. Tammes had been well taken; both Sir Humphrey Waldock and Mr. Ushakov had clarified it in different ways. It was only proper that the Commission should define its terms from the beginning, so that the discussion could take place within a common frame of reference. However, as Mr. Ushakov had emphasized, all members agreed that they were dealing with international organizations of a universal character; if the present formulation was not clear, the Commission itself, and not the Drafting Committee, should clarify the text so that no ambiguity remained. He hoped that, in doing so, it would not again become involved in the controversy about universality which had forced it to vote on the principle in its discussion of the law of treaties in 1963, and which had taken up more than five weeks of the Vienna Conference.<sup>6</sup> At that time, the question had been dealt with partly in the final clauses of the Vienna Convention on the Law of Treaties and partly in a resolution. It had divided the General Assembly ever since. The Commission should bear in mind that the main body of opinion in the United Nations would in all probability still be opposed to any over-idealistic solution. He urged the Commission to proceed with the discussion of article 81 without further consideration of the question of universality, which could be taken up in due course in connexion with articles 3, 4 and 5.

<sup>6</sup> See *United Nations Conference on the Law of Treaties, Official Records, Second session*, discussion on article 5bis, p. 229 *et seq.* (United Nations publication, Sales No.: E.70.V.6).

43. Mr. NAGENDRA SINGH said that the observations of Member States on article 81 clearly seemed to justify its retention, while the observation made by the International Labour Office had been correctly answered by the Special Rapporteur (A/CN.4/241/Add.5). As to the universal character of conferences, it should be remembered that a conference might be regional in scope, but be convened under the auspices of an international organization of a universal character. From a regulatory point of view article 81 might not be of great importance, but since it had been drafted by the Commission and had already met with some degree of approval he thought it should be retained.

44. Mr. ROSENNE said that, in the light of some of the remarks which had been made, he felt bound to remind the Commission that the present articles had to be drafted in terms of privileges and immunities and not in terms of participation in conferences. From the point of view of privileges and immunities, the determining factor was not the composition or size of the delegation, but the character of the organization to which the organ belonged, or which convened the conference. In the United Nations a difficult problem sometimes arose when a Member was not a full participant in the meeting of a particular organ or conference, but was entitled to send observers to that meeting who could speak with the permission of the Chairman or President. It should be made clear that in such cases a State which was not a member of the organization would be in a slightly different position from a member with respect to the sending of observers.

45. Sir Humphrey WALDOCK said he had assumed that the Commission had already taken a definite decision to confine its work to organizations of a universal character. There might be a risk of inconsistency and lack of co-ordination if conferences and organs were dealt with in the same part of the draft articles. However, that seemed to be primarily a question of drafting, and he thought that article 81, in which he found no special difficulty, should be referred to the Drafting Committee.

46. The CHAIRMAN suggested that article 81 be referred to the Drafting Committee with the request that it should bear in mind the views expressed about the general character of the draft articles.

*It was so agreed.<sup>7</sup>*

#### ARTICLE 82

47. The CHAIRMAN invited the Commission to consider article 82, to which the Special Rapporteur had proposed no change.

48.

#### *Article 82*

##### *Size of the delegation*

The size of a delegation to an organ or to a conference shall not exceed what is reasonable or normal, having regard to the functions of the organ or, as the case may be, the tasks of the

<sup>7</sup> For resumption of the discussion see 1123rd meeting, para. 28.

conference, as well as the needs of the particular delegation and the circumstances and conditions in the host State.

49. Mr. CASTRÉN reminded the Commission that when it had considered article 82 at first reading it had, for the reasons given by the Government of Finland in its written observations (A/CN.4/240/Add.2, section B.8), expressed some doubts about the need for a provision of that kind. The problem which really arose in practice was that of too small delegations.

50. Article 82 was worded in very general and even vague terms which might lead to abuses by the host State. For by invoking article 82 it could make the sending State limit the size of its delegation, to the detriment of that State's interests and of the work of the organ or conference.

51. Mr. SETTE CÂMARA said that article 82 corresponded to article 16, on the size of the permanent mission, but that it differed from article 11 of the Vienna Convention on Diplomatic Relations<sup>8</sup> in that it did not empower the host State to "require that the size of the mission be kept within limits considered by it to be reasonable and normal". Any dispute as to what was "reasonable and normal", therefore, would presumably be subject to the provisions of article 50. He supported the Special Rapporteur's suggestion that article 82 should be kept as it stood.

52. Sir Humphrey WALDOCK pointed out that there was a certain protection in the rule that article 82 must be applied without discrimination with respect to the requirements imposed by the host State on participating States.

53. The CHAIRMAN suggested that article 82 should be referred to the Drafting Committee with the comments made during the discussion.

*It was so agreed.<sup>9</sup>*

#### ARTICLE 83

54. The CHAIRMAN invited the Commission to consider article 83, for which the Special Rapporteur had proposed two alternative texts.

55.

##### *Article 83*

##### *Principle of single representation*

A delegation to an organ or to a conference may represent only one State.

##### ALTERNATIVE A

As a rule, a delegation to an organ or to a conference may represent only one State.

##### ALTERNATIVE B

A delegation to an organ or to a conference may represent only one State, unless the rules and practice of the organ or conference otherwise provide.

56. Mr. YASSEEN observed that article 83 had attracted comments by a fairly large number of governments and by delegations to the Sixth Committee, not only from countries of the Third World, but also from certain developed countries. The trend of the progressive development of international law was to facilitate access to international conferences, and it would be desirable to authorize the representation of several States by a single delegation, not only for practical and financial reasons, but also because multiple representation might be a manifestation of solidarity or an expression of concordant views.

57. The alternatives proposed by the Special Rapporteur were both unsatisfactory. The first, in spite of the opening words, was not a rule. The second gave the impression that the principle was single representation. In fact, the representation of several States by a single delegation was not contrary to any fundamental principle of general international law and did not conflict with the principle of sovereignty of States. That possibility should therefore be confirmed in the principle to be laid down in article 83.

58. Mr. REUTER said he agreed with Mr. Yasseen. The Commission should adopt as flexible a position as possible and, with that in mind, re-examine alternatives A and B proposed by the Special Rapporteur. Of the two versions, both of which would require amendment by the Drafting Committee, alternative B seemed to provide the better starting point.

59. The Commission should consider whether it was correct to say that a delegation might represent several States, and whether it would not be more accurate to say that the same persons might be appointed to form the delegation of one State or of another State. He had no views on the form of words the Commission should adopt. The first question it should decide was whether it wished to say that the same persons could be given two different mandates. If, on the contrary, they were to form one and the same delegation, that should be expressed more fully.

60. Mr. ROSENNE said that, if it was necessary to regulate the principle of single representation in a draft article, he would prefer it to be modelled on the Special Rapporteur's alternative B. However, since article 83 was referred to in article 80, there might be drafting complications. He was not convinced that the article was necessary; if it was considered necessary, it should be made clear whether the term "delegation" referred only to the delegation as such or included the members composing the delegation. In the latter case it was always possible that the individual members might not have identical instructions. Their representative function comprised two different functions: that of speaking and that of voting. The Commission should therefore incorporate in its commentary the numerous practical illustrations which had been furnished by the Special Rapporteur and by governments.

61. Mr. BARTOŠ said he was opposed to the representation of several States by a single delegation, which was sometimes contrary to the principle of sovereignty;

<sup>8</sup> United Nations, *Treaty Series*, vol. 500, p. 102.

<sup>9</sup> For resumption of the discussion see 1123rd meeting, para. 62.

but the Commission had to take account of the facts, including the fact that collective representation existed.

62. Mr. Reuter's idea was more logical, but it was not in conformity with practice, which was to confer full powers on a delegation as such and not on the persons composing it, in order to avoid the difficulties which might arise from changes in the membership of the delegation. Multiple representation dated back to the nineteenth century and could be a manifestation of solidarity between two States. It was practised today by certain States of the Third World, which saw in such representation, apart from its financial advantages, a means of fighting regional imperialism.

63. The powers were certainly conferred on a delegation and not on persons, as was shown by the example of Luxembourg, which traditionally entrusted its representation to Belgian and Netherlands diplomacy irrespective of changes of ambassador. Multiple representation might thus reflect the idea of a diplomatic, consular or other alliance; but it must be noted that that institution, on which the States of the Third World had placed great hopes, also aroused strong opposition. The Latin American countries, for example, had never accepted the idea of being represented by another State.

64. Consequently, in the light of realities and of present practice, the Commission could either abandon the principle of single representation, or accept the rules formulated by the Special Rapporteur and mention in the commentary both the advantages of multiple representation and the difficulties it raised, in particular, the question whether the powers should be conferred on a person or on a delegation as such.

65. Mr. USHAKOV said that the new alternatives proposed by the Special Rapporteur were unsatisfactory. In alternative A, the original wording was merely preceded by the words "As a rule", which added nothing. In alternative B, the principle stated was made subject to the rules and practice of the organ or conference. That condition was strange, to say the least, for a conference could not have any practice, or rules either for that matter. It could have rules of procedure, but there was no need to mention them in article 83 because they were already mentioned in article 80. Furthermore, it was not clear what was meant by the rules of the organ. If it was the rules of the organization that were meant, that reference was also unnecessary in view of the provisions of article 3.

66. Since the additions made by the Special Rapporteur in both alternative A and alternative B were redundant, the Commission was left with the text of the article adopted at first reading, which he supported.

67. Mr. SETTE CÂMARA said that, although the principle of single representation stated in article 83 was supported by some practice, it was far from being a general rule of international law. There was obviously a need for some provision which would permit dual representation under certain conditions. At a time when the United Nations was faced with the proliferation of micro-States and when the Secretary-General himself had referred to the possibility of associations of States, it

would ill become the Commission to place undue emphasis on the principle of single representation. In view of the impressive number of precedents for dual and multiple representation cited by the Special Rapporteur, it would seem that article 83 was emerging as a residuary rule which should be retained. He preferred the Special Rapporteur's alternative B as being more explicit; but whatever text was adopted its residual character should be made clear.

The meeting rose at 6 p.m.

## 1106th MEETING

Tuesday, 25 May 1971, at 10.30 a.m.

Chairman: Mr. Senjin TSURUOKA

*Present:* Mr. Ago, Mr. Albónico, Mr. Alcívar, Mr. Bartoš, Mr. Castrén, Mr. Elias, Mr. Nagendra Singh, Mr. Reuter, Mr. Rosenne, Mr. Sette Câmara, Mr. Tammes, Mr. Ushakov, Mr. Ustor, Sir Humphrey Waldock, Mr. Yasseen.

### Relations between States and international organizations

(A/CN.4/221 and Add.1; A/CN.4/238 and Add.1 and 2; A/CN.4/239 and Add.1 and 2; A/CN.4/240 and Add.1 to 6; A/CN.4/241 and Add.1 to 6; A/CN.4/L.162/Rev.1)

[Item 1 of the agenda]

(continued)

### ARTICLE 83 (Principle of single representation)

(continued)

1. The CHAIRMAN invited the Commission to continue consideration of article 83 on the principle of single representation.

2. Mr. ELIAS said that article 83 was one of the shortest of the draft articles and one of the most difficult to put into an acceptable form. At its last session the Commission, as indicated in the commentary, had reached two different conclusions: first, that it should review the article at the second reading in the light of the observations of governments and international organizations; secondly, that the situations envisaged were so varied that it should not propose a general rule, but should leave the matter to the rules and practices of the various international organizations.<sup>1</sup>

3. In its written observations the Government of the Netherlands had drawn attention to the fairly large and

<sup>1</sup> See *Yearbook of the International Law Commission, 1970*, vol. II, document A/8010/Rev.1, chapter II, section B.