Document:-

A/CN.4/SR.1141

Summary record of the 1141st meeting

Topic:

Programme of work

Extract from the Yearbook of the International Law Commission:-

1971, vol. I

35. No article on premises and accommodation, along the lines of article 51, had been included, since in most cases observer delegations would use the premises of their permanent missions, or else operate from their hotel rooms.

36. Article I, on assistance in respect of privileges and immunities, merely reproduced the language of article 52.

37. Article J did not present any problem. No article had been included in the present draft on exemption of the premises from taxation.

38. Article L, on freedom of communication, was largely in accordance with article 57, although the provisions concerning authorization to install a wireless transmitter, to designate couriers *ad hoc* and to entrust the bag of the delegation to the captain of a ship or of a commercial aircraft had been omitted.

39. Article M, on personal inviolability, was the same as article 58 concerning regular delegations, as was also article N, on inviolability of accommodation and property, although some changes had been necessary in paragraph 3 in order to distinguish it from paragraph 3 of article 53.

40. With respect to article O, on immunity from jurisdiction, the Working Group had decided to use alternative B of article 60. It had granted immunity from the criminal jurisdiction of the host State in full and had not limited such immunity to acts performed in the course of official functions.

41. For article P, on waiver of immunity, the Working Group had decided to retain paragraph 5 of article 61, in respect of a civil action.

42. Articles Q, R and S were substantially the same as those provided for regular delegations, although the Working Group had not included the provisions of article 63, on exemption from dues and taxes.

43. Article T had, of course, already been discussed.

44. Article U, on nationals of the host State and persons permanently resident in the host State, was shorter than the corresponding provisions of article 67, since it contained no breakdown of the staff of the delegation into different categories.

45. Article V, on duration of privileges and immunities, in effect reproduced article 68.

46. Article W, on end of the functions of the observer delegates, was the same as article 69.

47. No articles had been included on the protection of the premises, property and archives of observer delegations. Certain adjustments would be necessary in the general provisions.

The meeting rose at 11.30 a.m.

1141st MEETING

Wednesday, 21 July 1971, at 3.10 p.m.

Chairman: Mr. Senjin TSURUOKA

Present: Mr. Ago, Mr. Alcívar, Mr. Bartoš, Mr. Bedjaoui, Mr. Castañeda, Mr. Castrén, Mr. El-Erian, Mr. Elias, Mr. Eustathiades, Mr. Kearney, Mr. Rosenne, Mr. Sette Câmara, Mr. Tabibi, Mr. Tammes, Mr. Thiam, Mr. Ushakov, Sir Humphrey Waldock.

Review of the Commission's long-term programme of work

(A/CN.4/245)

[Item 7 of the agenda]

1. The CHAIRMAN invited the Legal Counsel to introduce the Survey of International Law (A/CN.4/245), the working paper prepared by the Secretary-General in the light of the decision of the Commission to review its programme of work.

2. Mr. STAVROPOULOS (Legal Counsel) said that the Survey of International Law was in fact the second Survey which the Secretariat had undertaken. The first Survey[1] referred to in the present document as the "1948 Survey" had been written by the late Sir Hersch Lauterpacht, who for that purpose had served for a few months as a member of the Secretariat.

3. The 1948 Survey was remarkable in many ways, above all in the scope and authority of what it said, and had been widely consulted and used over the years, both in universities and amongst practitioners. It was on the basis of that Survey, moreover, that the Commission, at its first session, had drawn up the list of topics which had constituted the Commission's long-term programme of work and which was now to be reviewed.

4. The Commission was almost unique among United Nations bodies in having given itself, not just an agenda, but a programme listing what it hoped to achieve over a long span of years. The Commission had made very substantial progress towards the completion of the programme it had first set itself, so that now the question arose of what adjustments and additions needed to be made to that programme, in order that the Commission might take further steps towards the achievement of its over-all objective, the progressive development and codification of international law as a whole.

5. When, therefore, some twenty-three years later, the Secretary-General was again requested to provide a "Survey of International Law", it was natural that the Secretariat should have turned to the 1948 Survey in order to see both what subjects had been covered in that

[1] A/CN.4/1/Rev.1.

study, and how they had been presented. Preparation of the present Survey, which might be called the "1971 Survey", had turned out to be an extremely interesting, if difficult, exercise. International law as it had seemed in 1948, and international law as it appeared in late 1970 and early 1971 when the present document was being written, were very different subjects, although not perhaps in fundamentals. However, all could agree that the outlook before the Commission in 1971 was very different from what it had been at its first session.

6. In 1948 the Second World War had not long been over. Sir Hersch Lauterpacht had written essentially against the background of the experience of the League and of its attempts to undertake the codification of international law. Those attempts had been largely unsuccessful. The Second World War had produced a strong impulse towards law and international co-operation and it was generally felt that a fresh attempt must be made to achieve a better legal order. But in 1948 the Commission was not yet in operation, and the division, written into the Statute of the Commission, between "codification" and "progressive development" was one to which the 1948 Survey had to give considerable attention, although the subsequent history of the Commission had shown the difficulty, if not the impossibility, of observing that distinction strictly.

7. By comparison, any Survey made in 1971 could reflect the actual experience, and the success, of the Commission in finding a method whereby particular topics could be examined, and drafts prepared, which could then be placed before plenipotentiary bodies. A regular process was now in operation which had not existed before. A good part of the 1971 Survey therefore consisted of a history of the work of the Commission, as well as of the steps taken elsewhere, in developing international law over the past twenty-three years.

8. International law had undoubtedly grown since 1948. Fields of law which had scarcely been imagined in 1948—for example, the law relating to outer space—had since been developed, and others, which had been little thought about even two or three years ago, such as the law relating to the environment and to the sea-bed beyond national jurisdiction, were now the subject of international attention. The present Survey thus dealt with a number of topics which either had not been discussed at all in the 1948 Survey, or had been mentioned only in passing. Those topics included the law relating to economic development; representation of States in their relations with international organizations; treaties between States and international organizations; unilateral acts; the law relating to international watercourses; the law relating to the continental shelf, and the question of the sea-bed and subsoil beyond national jurisdiction; the law of the air, outer space and the environment—none of which had been included in the 1948 Survey; the law relating to international organizations; the law relating to armed conflicts and international criminal law; and international law relating to individuals. That last heading included a section on human rights, a subject on which a whole body of law had been created since 1948. That list of topics indicated some of the pressures and forces which had moulded the course of international law over the last twenty-five years.

9. Besides those new subjects, the present Survey reflected the Commission's own achievements. But although they might be familiar to international lawyers, by the world at large it was still insufficiently appreciated how wide an area of law had been codified under United Nations auspices during the past ten to fifteen years. Admittedly much remained to be done, but much had already been done, and that gave grounds for hope for the future work of the Commission.

10. He would not attempt to enter into the question of what particular subjects the Commission, either at the present or at its next session, might choose to include in its future long-term programme. He assumed, as the Survey assumed, that those subjects on which the Commission was currently engaged would continue to be examined, and that in itself would provide a number of topics. But he also assumed that the Commission would wish to add others, so as not to lose sight of its long-range objective. That was not, however, to suggest that the present Survey had been prepared on the assumption that the Commission would wish to take up all of the topics mentioned there; that was not the case.

11. It was made clear in the introduction that the aim of the Survey was to provide, as its title indicated, a survey, or balance-sheet, of the whole field of international law at the present time—on the basis of which, after reviewing the situation as a whole, the Commission might decide how best to proceed. Thus, part of the Survey was devoted to a description of areas of international law which the Commission itself was unlikely to examine, at least in the immediate future, but which it might find it helpful, for that very reason, to have summarized. All parts of international law, after all, ultimately came together, and an advance in one area might lead to an advance in another. He hoped the range and detail of the 1971 Survey would enhance its value, not only to the Commission but to all persons interested in international law, whether in universities, in foreign ministries or in international organizations, and appeal to the educated public generally.

12. He very much regretted that, on grounds of expense, the Secretariat was unable for the time being to give the document a wider distribution. Published separately, it might prove useful in many countries as an introduction —along, of course, with conventional text books—to international law and perhaps provide an answer to the question so often asked: "What is international law, and what is it all about?"

13. The submission of the 1971 Survey to the Commission was something in which the Secretariat took a certain pride and to which it attached a certain importance. It was his hope that the series of Surveys now begun would be continued at approximately twenty-year intervals, and that in the 1990s a further Survey would again be undertaken by the Secretariat. He was sure that every member of the Commission, on reading the present Survey, had noted at least one point on which he would enter a caveat, or where he would have put the matter

slightly differently. The problem, however, was to achieve the over-all task, with an over-all balance.

14. The United Nations Secretariat was, he believed, exceptionally, perhaps uniquely, qualified to do that. It followed closely the work of the Commission, the work of the Sixth Committee and the work of all the numerous other United Nations bodies concerned with international law. It had knowledge and experience, and it included lawyers representative of the different regions of the world. It was his hope that the confidence the Commission had shown in the Secretariat, in entrusting the present task to it, would prove to have been justified.

15. The CHAIRMAN thanked the Legal Counsel for his very lucid introduction; he was sure the Survey would constitute a landmark not only in the work of the Commission but in the history of international law itself.

16. Mr. ROSENNE said he wished to thank the Legal Counsel for his illuminating introduction and particularly the Chief of the Codification Division and his staff for the Survey, which more than reached into the broad objectives he had had in mind when he had first suggested in 1968, at the 979th meeting, that the Commission should ask the Secretary-General to prepare a new Survey,[2] on the basis of which the Commission could undertake a general revision of the 1949 list of topics and bring it up to date in the light of the achievements of the past, of the likelihood that with the completion of the current work programme the 1949 list would be all but exhausted, and of the general needs of the international community. The introduction to the new Survey was a particularly valuable part of the new document. The Survey itself was, in its own way, as remarkable as the 1948 Survey in its day, but its scope, like its context, was vastly different.

17. The new Survey was a sober balance-sheet because it did not fall into the trap of euphoria, characteristic of some circles, at the success of the codification of the law of treaties, which had no doubt been facilited by a convenient political conjuncture. It was also thought-provoking, because it raised the very large question whether the Commission should always contemplate its work as limited to the preparation of draft articles intended to serve as a basis for an international convention concluded by a conference of plenipotentiaries.

18. More than once he himself had expressed doubts as to whether that was the only method of furthering the codification and progressive development of international law and whether a convention was really the only conceivable conclusion for a codification conference. Now the new Survey seemed to strengthen his doubts on that score and he believed that the Commission should devote deep thought, without preconceived ideas, to that central problem. The need for careful consideration of that problem was borne out by the experience of the League of Nations. He was engaged at present in the preparation of a study of the work of the League of Nations Committee of Experts for the Progressive Codification of International Law—the Commission's predecessor body which had met at Geneva from 1925 to 1928—and on the antecedents of the Codification Conference which had met at The Hague in 1930, and he had gained the impression that the League of Nations attempts had foundered, and had even brought the codification of international law into disrepute, partly because of a lack of clarity as to the methods of work to be followed.

19. The new Survey was also a sombre balance-sheet because it showed that once the Commission had completed the topics already under consideration—a process which might take at least ten years—the topics of general customary international law amenable to the kind of treatment customarily given by the Commission would become few and compact, especially if the Commission continued to think exclusively in terms of producing draft articles as a basis for international conventions.

20. The most likely was probably the topic of extraterritorial jurisdiction, in its broadest ramifications, but even that topic would have to be weighed very carefully before decisions were taken and recommendations made to the General Assembly. Moreover, it was unlikely that the international community could wait very long for the treatment of that topic, which should lead into such serious and pressing matters as the unlawful seizure of aircraft and the protection of diplomats. There was a danger that the Commission might be overtaken by events in an international society conscious of its needs and impatient to make progress.

21. Before going any further, he wished to express reservations about some of the far-reaching doctrines advanced by the Secretariat in the Survey, especially in paragraphs 240 to 249. He would not like it to be thought that his generally favourable reaction to the Survey as an intellectual product extended to the endorsement of everything that appeared in it.

22. It was obvious that little action could be taken at the present session; that was fortunate, because the matters at stake were delicate and the Commission should not be hurried. It was important that the Survey should be widely known in the Sixth Committee of the General Assembly and also by governments, as well as by professional and academic circles. He hoped the debate in the Sixth Committee, at the forthcoming session of the General Assembly, would throw some light on government thinking regarding the Commission's future long-term programme of work. Despite the financial difficulties, some way should be found to give the document a wide circulation.

23. The Commission's report for the present session should limit itself to recording that it had received the Survey, that it expressed its appreciation to the Legal Counsel and to the Chief of the Codification Division and that, after a preliminary discussion, it had decided to place at the head of the provisional agenda of the Commission's twenty-fourth session the item: "Survey of International Law: Working paper prepared by the Secretary-General (A/CN.4/245)".

[2] See *Yearbook of the International Law Commission, 1968*, vol. I, p. 206.

24. He next wished to raise in the presence of the Legal Counsel two other matters, although they technically came under the heading of "Other business". The first was to suggest that the Secretariat should examine the possibility of following the example of UNCITRAL, which in its first Yearbook had included the reports of the Sixth Committee and the General Assembly resolutions on the work of that body during its first two sessions.[3] It would be a useful addition to the Commission's own Yearbook if the relevant Sixth Committee report and General Assembly resolution on its work were included in each issue.

25. The second matter related to the official records of the Vienna Conference on the Law of Treaties. The third volume of those records, containing the documents of the conference,[4] omitted two important documents. The first contained the comments and amendments to the final draft articles on the law of treaties submitted by governments in 1968 in advance of the Conference, in accordance with General Assembly resolution 2287 (XXII) (A/CONF.39/6 and Add.1 and 2), consisting of 50 mimeographed pages. The second contained written statements submitted by specialized agencies and intergovernmental bodies invited to send observers to the conference (A/CONF.39/7 and Add.1 and 2 and Add.1/Corr.1) and consisted of 73 mimeographed pages. That document was particularly important for the work now being undertaken by the Commission on the subject of treaties entered into by international organizations, because it constituted the first consistent exposition by international organizations of their views on the general law of treaties.

26. He feared that those two valuable documents would be irretrievably lost if they remained only in mimeographed form and were not included in some printed document. He would therefore request the Secretariat to explore some way of producing those documents in more permanent form, either as an addendum to the official records of the Vienna Conference, or in the Commission's own Yearbook, or in the Juridical Yearbook of the United Nations.

27. Mr. STAVROPOULOS (Legal Counsel) said that Mr. Rosenne's suggestion in the first matter he had raised was a good one but he knew it was unlikely to prove feasible. At its forthcoming session the General Assembly would be considering two reports, one from the committee dealing with the rationalization of documentation and the other from the Joint Inspection Unit, both of which reiterated the rule regarding the avoidance of duplication of documents. The Secretariat would, of course, bear the suggestion in mind and see whether anything could be done to meet Mr. Rosenne's wishes.

28. With regard to the second matter, he would like to reserve his reply until he had been able to ascertain the reason why the two documents in question had not been reproduced in the official records of the Vienna Conference.

29. Mr. TAMMES said the Secretariat was to be commended for the new Survey, which constituted the most comprehensive and at the same time most concise source of information on new trends in international law now available to the legal profession. He hoped that the document would be made readily available and widely distributed, like the 1948 Survey.

30. The new Survey contained many recommendations concerning the Commission's future work but he would confine his remarks to only a few of them. His attention had been particularly attracted by part VIII, dealing with unilateral acts. After noting that the Commission had chiefly concentrated on the production of draft articles which could form the basis of a convention to be adopted by States (para. 283), and that the same approach could be adopted for the work on unilateral acts, the Survey went on to suggest that "this is a topic on which other directions might also be explored" (*ibid.*). He himself fully subscribed to the view that "a study which examined the subject, or its different branches, and concluded with a series of definitions of the main forms of unilateral acts and their respective effects under international law would be of considerable practical value" (*ibid.*).

31. Another subject, not classified as such but dispersed throughout the Survey, was that of what might be called offences of international concern. Referring to the problem of jurisdiction with regard to crimes committed outside national territory, the 1948 Survey had pointed out that the right of a State to try its nationals for offences committed abroad was not in issue; the question which required clarification and authoritative solution was that of the existence and extent of that right with respect to aliens. International conventions concluded in the 1920s and 1930s on such subjects as obscene publications, narcotic drugs, traffic in persons and slavery, had already allowed the prosecution of both nationals and aliens for certain offences committed abroad. Traditionally, of course, the crime of piracy could be punished by any State—as was reiterated in the 1958 Convention on the High Seas.

32. In 1949, the Commission had dealt with the problem of international crimes of a new dimension when it had formulated the Nuremberg principles in its very first report.[5] In 1954, the Commission had completed its "Draft Code of Offences against the Peace and Security of Mankind".[6] Since those offences were, in the Commission's view, offences which contained a political element and which endangered or disturbed the maintenance of international peace and security, the Draft Code did not deal with the type of anti-social acts to which he had referred. The General Assembly still had to take action on that Draft Code.

[3] *United Nations Commission on International Trade Law, Yearbook*, vol. I: 1968-1970, pp. 88 to 92 and 121 to 128.

[4] *United Nations Conference on the Law of Treaties, Official Records, Documents of the Conference* (United Nations publication, Sales No.: E.70.V.5).

[5] See *Yearbook of the International Law Commission, 1949*, pp. 282-283.

[6] See *Yearbook of the International Law Commission, 1954*, vol. II, pp. 150-152.

33. As a distinct development, there had emerged over the years particular treaty régimes dealing with a variety of offences of international significance. The use of certain methods and means of warfare had been prohibited, not only for States but also for individuals, and the act of piracy had been extended to air piracy by the 1958 Convention on the High Seas.[7] Air piracy had also been the subject of the somewhat limited 1963 Tokyo Convention on Offences and Certain Other Acts committed on board Aircraft,[8] and of the much wider 1970 Hague Convention for the Suppression of the Unlawful Seizure of Aircraft.[9] The 1970 Hague Convention made the offence in question extraditable and of universal jurisdiction as regards prosecution, and contained the remarkable, although legally doubtful, provision that the offence would be deemed to be included as an extraditable offence in any extradition treaty already in existence between the contracting States.

34. On 2 February 1971, the member States of the Organization of American States had signed a "Convention to Prevent and Punish Acts of Terrorism taking the Form of Crimes against Persons and related Extortion that are of International Significance", as had been pointed out by the Observer for the Inter-American Juridical Committee.[10]

35. Mention should also be made of the exchange of letters in 1970 between the President of the Security Council and the Chairman of the Commission on the question of the protection and inviolability of diplomatic agents, recorded in the Commission's report on the work of its twenty-second session (A/8010/Rev.1, para. 11), and of Mr. Kearney's proposal on the same subject at the opening meeting of the present session.[11]

36. Another category of offences of international concern, but devoid of any political or ideological elements, was that of acts which endangered the human environment. In the words of the Survey, "by definition, matters affecting the environment are all-embracing" (para. 335). They were therefore of international concern, as was illustrated by the relationship between river pollution and marine pollution, since most rivers ultimately emptied into the sea. He hoped the declaration to be adopted at the United Nations Conference on the Human Environment, due to be held at Stockholm in 1972, would mention the establishment of individual criminal responsibility as one of the means to protect the environment.

37. His own conclusions from the relevant parts of the Survey were first, that the development of humanitarian principles had led to the extension of the number of acts of individuals—as distinct from acts of States—which were recognized as contrary to international humanitarian law and therefore of international concern; secondly, that technological development had greatly increased the ability of man to commit acts endangering the international community as a whole; thirdly, that it was necessary to strike a balance between the need for universality of prosecution of offenders and the recognition of ideological motives, as traditionally implied in the principle of non-extradition of political offenders.

38. The Commission had been aware of those problems when it had decided in 1949 to include the right of asylum in its list of topics, but not to include extradition.[12] The present Survey recommended the reconsideration of the latter decision in view of the "common interest in providing for the return and prosecution of alleged offenders" (para. 370).

39. In the light of the international legal innovations reflected in the Survey, the Commission might well consider reviving its preoccupation with the code of offences against mankind and extending the scope of its work to offences of international concern, other than those against the peace and security of mankind as conceived in 1949. The Survey aptly summarized the central question for consideration as being that of the extent to which a general codification instrument could be of assistance in dealing with such matters as crimes on aircraft or narcotics offences "where a degree of exercise of jurisdiction by a State in matters having an extra-territorial element has been generally accepted by the international community" (para. 90).

40. Mr. CASTRÉN said he wished to thank the Secretariat for the working paper which it had submitted to the Commission. It was an excellent survey of the Commission's activities since its establishment and of the codification of international law in general, as well as of the principal international conventions which had emerged from its work. The authors of the paper had drawn attention to all the important subjects not yet codified and had made some suggestions on the question whether certain topics in international law might be inopportune, either because they were not yet ripe or because they were too controversial or had acute political implications. The working paper and the Secretariat's previous report on the same subject (A/CN.4/1/Rev.1), provided a firm basis for the consideration of the Commission's long-term programme of work.

41. On many occasions in the past twenty-five years the Commission had overestimated its strength and resources and as a result had not yet started to consider some of the items which had been placed on its programme of work at the outset, while others it had been unable to complete. Obviously it should first complete its work on the items already on its agenda—various aspects of the succession of States, State responsibility, the most-favoured-nation clause, the question of treaties concluded between States and international organizations or between two or more international organizations, and the progressive development and codification of the rules of international law relating to international watercourses;

[7] United Nations, *Treaty Series*, vol. 450, p. 82, article 15.

[8] *Ibid.*, vol. 704, No. 10106.

[9] ICAO document 8920.

[10] See 1124th meeting, para. 74.

[11] See 1087th meeting, para. 38.

[12] See *Yearbook of the International Law Commission, 1949*, p. 281.

that would probably keep it busy for some fifteen years, before it need contemplate adding further items to its long-term programme. It should not be forgotten, too, that the Commission might be called upon by the General Assembly to give urgent consideration to questions of immediate importance.

42. The question of jurisdiction with regard to crimes committed outside national territory, which had been included in the programme of work for 1949, could now be discarded, since it was a complex problem in international criminal law, for which it would probably be hard to devise uniform rules because national law on the subject differed so widely.

43. On the other hand, it was to be hoped that the study of State responsibility would make it possible to consider the question of the treatment of aliens more successfully than in the past. The question of the right of asylum should preferably be left to the General Assembly, because it was essentially political in character and the Assembly had already considered some aspects of it and adopted a declaration on the subject. The questions of the recognition of States and Governments and the jurisdictional immunities of States and their property should, however, remain on the Commission's long-term programme of work in view of their practical importance and their legal interest, as well as historic waters, including historic bays.

44. The following items might be added to the programme. First, the problems arising from the protection and inviolability of diplomatic agents, representatives of States and consular agents, in other words, the application and strengthening of certain rules of diplomatic and consular law, in particular, the relevant provisions of the 1961 and 1963 Vienna Conventions and the rules concerning the legal status of representatives of States in organizations and international conferences. Secondly, international agreements concluded between subjects of international law other than States and international organizations, such as insurgents. Thirdly, the legal aspects of international unilateral acts; he was referring to Mr. Tammes's remarks and to paragraphs 279-283 of the Secretary-General's working paper. A study of that subject might be of great practical value to States in their mutual relations and it would be well to embark on it, even if its codification was likely to cause some difficulty owing to the lack of agreements on the matter, because unilateral acts were common in international practice and writers had been displaying special interest in them in recent years. Fourthly, since the Commission had almost completed the first part of the topic of relations between States and international organizations, the legal status of international organizations themselves should be considered in order to complete the codification of the subject; indeed, some governments had at one time proposed that that question be considered before the question of representatives of States in organizations. Lastly, human rights were a subject of special importance at the present time. Some aspects had already been codified at the international or regional level, but several others required consideration if they were to be regulated by written rules. The Commission might help by selecting an appropriate aspect for codification.

The meeting rose at 4.30 p.m.

1142nd MEETING

Thursday, 22 July 1971 at 11.50 a.m.

Chairman: Mr. Senjin TSURUOKA

Present: Mr. Ago, Mr. Alcívar, Mr. Bartoš, Mr. Bedjaoui, Mr. Castrén, Mr. Elias, Mr. El-Erian, Mr. Eustathiades, Mr. Kearney, Mr. Rosenne, Mr. Sette Câmara, Mr. Tammes, Mr. Thiam, Mr. Ushakov, 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 to 3; A/CN.4/240 and Add.1 to 7; A/CN.4/241 and Add.1 to 6; A/CN.4/L.162/Rev.1; A/CN.4/L.174/Add.5 and 6)

[Item 1 of the agenda]

(resumed from the 1140th meeting)

FIFTH REPORT OF THE WORKING GROUP

Observer delegations to organs and to conferences

1. The CHAIRMAN invited the Chairman of the Working Group to introduce its fifth report (A/CN.4/L.174/Add.6).

ARTICLES A to X

2.

Article A[1]

Use of terms

(*a*) "observer delegations to an organ" means the delegation sent by a State to observe on its behalf the proceedings of the organ;

(*b*) "observer delegation to a conference" means the delegation sent by a State to observe on its behalf the proceedings of the conference;

(*c*) "observer delegation" means, as the case may be, the observer delegation to an organ or the observer delegation to a conference;

(*d*) "sending State" means the State which sends:

...

(iii) an observer delegation to an organ or an observer delegation to a conference;

(*e*) "observer delegate" means any person designated by a State to attend as an observer the proceedings of an organ or of a conference;

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[1] Corresponds to article 1.