

United Nations
**GENERAL
ASSEMBLY**

TWENTY-FIFTH SESSION

Official Records



**SIXTH COMMITTEE, 1190th
MEETING**

Monday, 5 October 1970,
at 3.20 p.m.

NEW YORK

Chairman: Mr. Paul Bamele ENGO (Cameroon).

AGENDA ITEM 84

**Report of the International Law Commission on the work
of its twenty-second session (continued) (A/8010 and
Corr.1 and 2)**

1. Mr. ARYUBI (Afghanistan) said that the work of the International Law Commission constituted a most valuable contribution to the codification and progressive development of international law. Its work was of particular importance to the international community because the changing circumstances prevailing in international politics had prompted an overwhelming majority of States to call for a reshaping of some of the anachronistic concepts of international law.

2. His Government would, in due course, present its views on the draft articles on representatives of States to international organizations set forth in the Commission's report (A/8010 and Corr.1 and 2). His delegation did, however, wish to express its views on the very complex and important question of succession of States in respect of treaties. It believed that the rules regulating succession varied considerably according to the origin and nature of the succession. In the case of succession resulting from decolonization, progressive development was more important than codification because many of the traditional rules were obsolete. The Commission had done well to accept that order of priority. Practice relating to succession should be harmonized by basing it on legal rules reflecting the present progressive trends of international law, the principles of the Charter of the United Nations, the right to self-determination, and the principles of sovereign equality of States and permanent sovereignty over natural resources. In the post-war period, there had been significant and dramatic changes in the attitude of the international community to the fundamental and inherent rights of peoples and nations to self-determination, and the Commission should bear in mind that those changes had to some extent eclipsed other precedents.

3. With regard to State succession in respect of boundaries resulting from treaties, his delegation found it very difficult to agree with the text of article 4, as submitted by the Special Rapporteur in his first report,¹ or with paragraph (2) of his commentary thereon. It was convinced that treaties imposed by a former colonial Power could not be considered valid, and that succession in respect of boundary treaties could not take place without the freely

expressed consent of all the parties concerned. His delegation believed that succession as such should be considered contrary to the principle of *pacta sunt servanda*, but agreed that reliance on municipal law in that regard would undoubtedly undermine the interests of sovereign States at the present time. The notion of permanent so-called validity of boundary treaties ran counter to the universally accepted principle of self-determination and was not acceptable. The views contained in article 4 and the commentary thereon were also contrary to the doctrine of revindication, under which a country could reclaim what it had previously held as a right, particularly if it was supported by its people's right to self-determination. Since boundary matters were highly political issues, the Commission should avoid giving legal endorsement to situations which fell within the competence of other United Nations bodies. Colonial boundaries, for instance, which had been drawn up with the strategic and economic interests of the colonial Powers in mind, should not be recognized, for that would be contrary to General Assembly resolutions 1514 (XV) and 1654 (XVI) and would not further the cause of world peace.

4. Turning to the second and third reports submitted by the Special Rapporteur,² he said he was glad to note that in preparing those documents the Special Rapporteur had taken into account the views expressed by the members of the Sixth Committee. His delegation was in full agreement with article 1. It also agreed that there was a marked difference between succession in respect of bilateral treaties and succession in respect of multilateral treaties. The latter tended to be concluded on a universal basis and were subject to a certain uniform discipline. Since different situations could occur in connexion with bilateral treaties, drafting the principles of succession would need great care. As regards the formulations in the second and third reports, his delegation was not altogether sure that it was safe to base them on the Vienna Convention on the Law of Treaties,³ since State succession was a different branch of international law from the law of treaties. It doubted whether article 2 belonged with the introductory articles and felt that, as it stood, that article might give rise to serious questions with respect to the sovereignty and territorial integrity of small States. His delegation supported articles 5 and 6, but believed that an additional article might be necessary to cover treaties of a *jus cogens* nature, which new States should not attempt to evade.

5. He said that the Seminars on International Law were of great value to young jurists, particularly from developing countries, and expressed his delegation's support for the

¹ A/CN.4/202.

² A/CN.4/214 and Add.1 and Add.1/Corr.1 and Add.2; A/CN.4/224 and Add.1.

³ A/CONF.39/27 and Corr.1.

proposal to extend the Commission's 1971 session to 14 weeks.

6. Mr. PINTO (Ceylon) said that the Commission had had another productive year and had made great progress with regard to the three main items on its agenda, namely, relations between States and international organizations, succession of States and State responsibility.

7. With regard to the first of those items his delegation had no objection in principle to the approach adopted by the Commission in formulating articles 51 to 116 of the draft articles on representatives of States to international organizations, which had been to prescribe for permanent observer missions and delegations to organs and conferences a modified form of the treatment accorded to permanent missions to international organizations, as set forth in the earlier articles. In preparing those articles, the Commission had rightly been guided by the experience gained in the formulation of the Vienna Convention on the Law of Treaties and the Convention on Special Missions (General Assembly resolution 2530 (XXIV)).

8. He noted that the effect of article 52 was that the rules and practice of an international organization relating to the establishment of permanent observer missions by non-member States would be incorporated by reference in the future convention and would be binding on non-member States, even if they were inconsistent with the provisions of the future convention. If the organization had no rules or practice relating to permanent observer missions, presumably the provisions of the convention would be applicable. His delegation supported that article, because although at first sight it might appear to place undue, and even unknown difficulties, in the path of non-member States wishing to establish permanent observer missions, sound rules or practices of mature organizations could be assimilated to customary international law and should be given due weight.

9. His delegation fully supported the Commission's decision to adopt the so-called functional approach to the question of facilities, privileges and immunities, which would mean that they would be granted only when necessary for the independent exercise of the functions of permanent observer missions. There was a need, however, to establish a clear definition of the functions of the various categories of persons covered by the draft.

10. Turning to the second and third reports of the Special Rapporteur on succession of States in respect of treaties, he said his delegation was in complete agreement with the basic principle of article 6 that a "new State" was not bound by any treaty by reason only of the fact that the treaty had been concluded by its predecessor and had been in force in respect of the territory at the date of the succession, and was not under any obligation to become a party to such a treaty. Indeed, there was no general doctrine of modern law which conflicted with the provisions of the article. His delegation also agreed with the provisions of article 3, under which the predecessor State's treaties would not become applicable as between the successor State and third States in consequence only of the conclusion of a so-called devolution agreement between the predecessor and successor States. However, in its com-

mentary on the draft articles, the Commission should endeavour to shed some light on the nature of devolution agreements and the obligations that they entailed.

11. His delegation had noted with satisfaction that the Special Rapporteur would in due course consider certain classes of treaties described as "dispositive", "territorial" and "localized" treaties, which might be governed by rules of an exceptional character, as well as the implications of the legal nexus in the case of particular forms of succession. In that connexion, the Special Rapporteur might well consider the implications of the nexus in the case of an agreement entered into between two entities which were not fully sovereign and which subsequently at different times regained their sovereignty and did not repudiate their earlier agreement. While such a case might not come within the general scope of the principles being studied, it might be difficult to deny that some international legal nexus did persist, and that the regaining of full statehood by the entities concerned could bring that situation within the scope of an examination of State succession.

12. His delegation did not object to the method of study suggested by the Special Rapporteur on State responsibility. It was not entirely convinced, however, that the two proposed phases, covering respectively the origin of international responsibility and the content of that responsibility, could be kept entirely separate. It favoured the Special Rapporteur's preference for an essentially inductive approach to his task.

13. The question of treaties between States and international organizations or between two or more international organizations was of great importance and his delegation hoped that the Sub-Committee responsible for it would receive maximum co-operation from all the principal international organizations, and particularly from their legal departments and archives.

14. His delegation had noted with satisfaction the Commission's continuing co-operation with regional bodies with responsibilities in the legal field. The function of the Asian-African Legal Consultative Committee, for instance, in providing opportunities for discussion of legal questions of importance to countries of the continent concerned had proved extremely useful over the years, and he hoped that the valuable co-operation between that Committee and the Commission would continue.

15. He expressed his delegation's thanks to those Governments which, by offering scholarships, had enabled participants from the developing countries to attend the sixth session of the Seminar on International Law. He also expressed its support for the Commission's proposal that its 1971 session should be extended to 14 weeks.

16. Mr. ZALDIVAR BRIZUELA (El Salvador) said that the question of relations between States and international organizations was an area of international law that urgently needed codification and his delegation was therefore very grateful to the Commission for its work on the subject. His delegation would as requested submit written comments on articles 51-116 of the draft articles on representatives of States to international organizations by 15 January 1971. In the meantime, however, it wished to comment on certain

features of those articles which it considered particularly important.

17. The careful distinction drawn by the Commission between special missions, permanent missions, permanent observer missions and delegations of States to organs and conferences was particularly valuable. The formulation of legal provisions concerning the establishment of permanent observer missions to international organizations would fill a gap in the law relating to international representation and would confer useful benefits on "micro-States" and on the developing countries.

18. With regard to article 51, which contained a useful set of definitions, he expressed the hope that any duplication between it and the terminology formulated for permanent missions would be removed by the Commission at its next session.

19. His delegation noted with satisfaction that the *de facto* facilities, privileges and immunities granted to permanent observer missions were basically the same as those granted to permanent missions; the differences would depend on the different functions of the two sorts of mission.

20. It considered that articles 78 and 91 had made useful contributions to the codification of the question and would, for the time being, reserve its opinion on article 100.

21. The study of State succession in respect of treaties should, in his delegation's view, be incorporated in the work on the law of treaties.

22. His delegation wished to express its appreciation for the report prepared by the Special Rapporteur on State responsibility and its support for the proposal that Spanish should become a working language at future sessions of the Seminar on International Law. It also agreed with the proposal made by the representative of Iraq (1186th meeting) that there should be wider participation in the Seminar. His delegation was grateful to the Governments of Sweden and the Netherlands for the financial contributions they had made.

23. He fully agreed that the volume and delicate nature of the work before the Commission would require an extension of its session to 14 weeks in 1971.

Mr. Houben (Netherlands), Vice-Chairman, took the Chair.

24. Sir Vincent EVANS (United Kingdom) said that in due course his Government would submit its comments on the new draft articles on representatives of States to international organizations, but that meanwhile he had some observations to make on the approach adopted by the Commission to the formulation of the draft articles as a whole. In that connexion he recalled that the European Committee on Legal Co-operation had recently made a study of privileges and immunities of international organizations and persons connected with them, which had been communicated to the United Nations and the Commission. His own observations took into account the conclusions reached as a result of that study.

25. In the field of relations between States and international organizations a considerable body of practice, including a large number of international agreements, already existed and any attempt to codify and develop the law must take that fact into consideration. Existing rules reflected the diversity of character and functions of international organizations, and were based on functional need. That concept was embodied in Article 105 of the Charter of the United Nations, and in the opinion of his Government it was equally applicable to other organizations. In formulating the draft articles, the Commission could not ignore either that concept or the existing practice and agreements. Articles 2 to 5⁴ quite correctly recognized that fact, and the Commission had wisely decided to limit the application of its draft articles to representatives to international organizations of a universal character. Furthermore, the Commission had rightly included in articles 3 to 5 provisions safeguarding existing rules and agreements and permitting the conclusion in the future of new agreements in relation to particular organizations. Thus far he entirely agreed with the approach adopted by the Commission.

26. In its commentary on article 3 the Commission had stated that the purpose of the draft articles was to seek to detect the common denominator and lay down the general pattern which regulated the diplomatic law of relations between States and international organizations. The following group of articles (articles 6 to 50)⁵ dealt with the status, privileges and immunities of permanent missions which, as a matter of functional need, had normally been accorded a status approximating to that of diplomatic missions. Articles 22 to 50 appeared to have been formulated with those considerations in mind. Since his Government would shortly be submitting comments on those articles, he would limit himself at the present time to stating that, in the opinion of the United Kingdom, due regard must be had to the interests of the host State, which should be adequately protected against abuse by any person enjoying a privileged position under an agreement relating to the status, privileges and immunities of permanent representatives to international organizations. In his view, the present draft articles, and particularly articles 45 and 50, were inadequate in that respect.

27. Turning to the draft articles in the report at present before the Sixth Committee, he wished to comment on article 52, which belonged to the group of articles relating to permanent observer missions. In the first place, the wording of the article raised the difficult question of what entities were entitled to be regarded as States. Secondly, in connexion with paragraph (3) of the commentary, he agreed with those speakers who had stated that the principle of universality could not prevail over the conditions prescribed by the constitutional provisions and practice of the organization concerned. In cases where no such provisions or practice existed, the establishment of observer missions must be a matter for arrangement between the sending State, the organization and the host State.

⁴ For articles 1-21, see *Official Records of the General Assembly, Twenty-third Session, Supplement No. 9*, para. 28.

⁵ For articles 22-50, see *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 10*, para. 19.

28. He had expected that the group of articles on delegations of States to organs and to conferences would reflect existing practice and agreements, such as the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of Specialized Agencies (General Assembly resolutions 22 A (I) and 179 (II), respectively). However, the Commission appeared to have departed substantially from existing practice and agreements by adopting an approach which consisted in applying to such delegations, *mutatis mutandis*, the provisions of the Convention on Special Missions. His delegation saw no justification for that approach and continued to share the view expressed by the General Assembly in its resolution 22 D (I) to the effect that the privileges and immunities of the United Nations should be regarded, as a general rule, as a maximum and that no privileges and immunities which were not really necessary should be asked for. The present draft articles could produce the anomalous situation in which members of delegations to organizations of a lesser importance than the United Nations would be accorded a higher scale of privileges and immunities than delegations to United Nations organs. Much parliamentary and public criticism existed in some countries of the privileges and immunities accorded to international organizations, and it was difficult to see how the additional privileges and immunities provided for in the draft articles could be justified as necessary in the light of the experience of the past 20 years.

29. Another important consideration to be borne in mind was that under the Convention on Special Missions a State could only send a special mission to another State with the latter's consent. It was one matter to accord extensive immunities and privileges to a special mission, but quite another to do so in respect of large numbers of persons attending meetings of international organizations. The result of extending present privileges and immunities might be to produce a sharp reaction in many countries against the whole system, which was already far from popular. The proper approach would be to seek acceptable limitations of those privileges which already existed and appropriate means of protecting the interest of third parties. He therefore hoped that the Commission would review the draft articles with those considerations in mind.

30. He noted that useful work had been done on the succession of States in respect of treaties, an important topic in which the United Kingdom Government had much experience. From the point of view of the successor State, the predecessor State and other States parties to the treaties concerned, it was desirable that there should be as much clarity as possible about the effect of the attainment of independence on pre-existing treaty relationships. With that aim in view, the United Kingdom had entered into a number of agreements concerning the devolution of treaty rights and responsibilities. These agreements did not in themselves establish treaty relations between the new State and third States, but at the least they provided a basis on which, with the acquiescence of third States, a novation of treaty relations could occur in cases in which the latter would not otherwise devolve. The United Kingdom had also played its part in arrangements proceeding from unilateral declarations by new States, which again served to ensure a measure of continuity. The conduct of States showed wide recognition of the advantages of such continuity. The new

State itself might suffer most from the abrupt termination on independence of a large part of the treaty régime previously applicable to its territory. The interests of third States in continuity should also be taken into account. He hoped that the actual practice of States would continue to be carefully examined by the Commission with those considerations in mind, so that the rules which it formulated would have due regard to the interests of all concerned.

31. The Commission's consideration of the topic of State responsibility was at a more preliminary stage; a particularly careful and deliberate approach to that topic was indicated.

32. The United Kingdom delegation was gratified at the arrangements made by the Commission to set in train the early consideration of the topic of treaties to which international organizations were parties, thereby complying with General Assembly resolution 2501 (XXIV). The role of such treaties was of increasing significance in international life, as evidenced by the central place in the effort to advance the use of atomic energy for peaceful purposes occupied by agreements between the International Atomic Energy Agency and sovereign States. The entry into force of the Treaty on the Non-proliferation of Nuclear Weapons (General Assembly resolution 2373 (XXII), annex) had given even greater importance to the conclusion of agreements of that kind.

33. The United Kingdom was particularly interested in the subject of the most-favoured-nation clause, but would postpone detailed comment until the Commission's consideration had reached a more advanced stage.

34. With regard to the Commission's future work, he believed that its primary aim at the twenty-third session should be to complete the second reading of the draft articles on relations between States and international organizations and the first reading of the draft articles on succession of States in respect of treaties. He had doubts about the practicability of covering, even in a 14-week session, the whole of the ambitious programme which the Commission envisaged for 1971, and felt considerable hesitation about the request for an extension. He had therefore followed with close attention the statement by the Chairman of the Commission (1186th meeting) and would carefully weigh the views of other delegations as well as the statement of financial implications which was to be prepared.

35. He welcomed the success of the sixth session of the Seminar on International Law and agreed that the Sixth Committee should carefully examine ways of increasing the usefulness of the Seminar in the future.

36. As Chairman of the European Committee on Legal Co-operation, he invited the Chairman of the International Law Commission to attend its next session in November. The Council of Europe had a very extensive legal programme which included studies of public international law. A convention had been negotiated on consular functions and another was being prepared on State immunity. The Council followed the work of the International Law Commission with the utmost interest and organized ex-

changes of views between member States on the progress of that work. On reading paragraphs 93 to 103 of the report, he had come to the conclusion that there was perhaps insufficient co-operation between the regional bodies in question and wished to suggest that suitable arrangements be developed to enable them to exchange information and experience.

Mr. Engo (Cameroon) resumed the Chair.

37. Mr. MOUFTI (Saudi Arabia) said that, in general, his delegation approved of the report of the International Law Commission and wished to express its gratitude to the Commission for the unique and very important role it played in the codification and progressive development of international law. His delegation noted with appreciation that at its twenty-second session the Commission had completed its first reading of articles 51 to 116 of the draft articles on representatives of States to international organizations. His Government would study those draft articles carefully and would submit its comments on them, together with its comments on the previous groups of articles, in due course.

38. His delegation agreed with the statement by the Secretary-General in the introduction to his annual report on the work of the Organization covering the period June 1965 to June 1966⁶ that all countries should be enabled to follow the work of the Organization more closely and that it could only be of benefit to them and to the United Nations to enable them to maintain observers at Headquarters, the United Nations Office at Geneva and the regional economic commissions. Therefore, his delegation welcomed the codification of international law concerning permanent observer missions to international organizations. It considered that the draft articles contained the necessary elements of progressive development as well as of codification of contemporary law. His delegation also supported the view that facilities, privileges and immunities should be determined by reference not only to the functions of the permanent observer missions, but also with regard to their representative character. Observer missions should therefore have the same facilities, privileges and immunities as permanent missions, with certain adjustments due to the differences in their functions. His delegation agreed with the Commission's view that, owing to the temporary character of their task, delegations to organs of international organizations and to conferences convened by international organizations occupied in the system of diplomatic law of international organizations a position similar to that of special missions within the framework of bilateral diplomacy, and that their privileges and immunities should therefore be determined in the light of those of special missions. His delegation wished to pay a tribute to the Special Rapporteur, Mr. El-Erian of the United Arab Republic, for his valuable contribution to the completion of the draft articles.

39. His delegation fully supported the request of the International Law Commission to extend its 1971 session to 14 weeks in order to accomplish the programme outlined in its report.

40. Mrs. SLÁMOVÁ (Czechoslovakia) welcomed the progress achieved by the Commission at its twenty-second session on the topic of relations between States and international organizations, which had led to the adoption of draft articles on permanent observer missions to international organizations and delegations of States to organs and to conferences. She wished to comment on specific articles in both those groups.

41. In part III concerning permanent observer missions, she approved of the terms of article 75, which laid down the principle of non-discrimination. That provision was in accordance with the principle of the sovereign equality of States set forth in the draft Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States.⁷ The formulation of article 64 cast some doubt on the right of permanent observer missions to use the flag of the sending State on their premises. In that connexion she wished to point out that observer missions represented their States in exactly the same way as permanent missions and should therefore enjoy the same right to use the flag and emblem.

42. She welcomed the fact that in part IV the status accorded to delegations to organs and conferences was more or less in accordance with that accorded to special missions. Nevertheless, certain articles called for more detailed examination. In connexion with article 83, she shared the doubts expressed by some speakers as to whether the principle of single representation was practical, especially from the point of view of the smaller developing countries. The difficulty might be obviated by adding the words "as a rule". Of the alternative versions presented for article 100, she preferred alternative A, which was broader in scope and modelled directly on the corresponding article of the Convention on Special Missions. Her delegation was pleased to note that article 102 was based on article 34 of the Vienna Convention on Diplomatic Relations⁸ and did not confirm the practice of certain States which did not provide exemption from consumer and sales taxes. Her delegation considered that article 103 should preclude the host State from carrying out customs inspection on any grounds. Finally, she heartily approved of article 111.

43. The topic of State succession was an urgent and important one, of particular concern to countries which had recently been freed from colonialism. On the other hand, the complexity of the subject was such that slow progress was to be expected.

44. State responsibility was an equally complicated subject which would require a great deal of hard work. The second report of the Special Rapporteur provided a sound basis for future progress.

45. She supported the proposal that the Commission should bring up to date in 1971 its long-term programme of work, but thought that the proposal to extend the twenty-third session to 14 weeks required careful consideration, taking into account the additional expenses involved.

⁷ *Ibid.*, Twenty-fifth Session, Supplement No. 18, para. 83.

⁸ See United Nations Conference on Diplomatic Intercourse and Immunities, *Official Records*, vol. II (United Nations publication, Sales No.: 62.X.1), p. 82.

⁶ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 1A*, p. 14.

She felt sure that the Commission could in fact complete its work programme within the normal span of 10 weeks.

46. Mr. ALVAREZ TABIO (Cuba) considered that the draft articles on permanent observer missions represented a definite step forward in the progressive development and codification of international law. It was most appropriate that, pending full implementation of the principle of universality, non-member States should be permitted to follow the work of international organizations closely. The presence of observers of non-member States at the Headquarters of such organizations would no doubt lead to a better understanding of questions which were of concern to all mankind.

47. Nevertheless, article 52 was too limited in scope. The arrangements envisaged were based only on practice; they should be given a sound legal basis and should be brought into line with the principle of sovereign equality of States and the principle of universality.

48. Article 94, relating to the inviolability of the premises, was based on article 25 of the Convention on Special Missions. Article 94, paragraph 1, imposed limitations on the principle of inviolability and could in fact render the principle nugatory. The host country's subjective evaluation of the situation took precedence over a legal prerogative in the case of fire or other disaster that seriously endangered public safety. It should be noted that the phrase "that seriously endangers public safety" referred only to "other disaster". Thus, in the case of fire, local authorities could enter the premises without there being a serious danger to public safety. Furthermore, the last phrase of that paragraph was unclear. In the opinion of his delegation, the local authorities should not be able to enter the premises if the delegation in question expressly refused to admit them on the grounds that there was no serious danger to public safety.

49. With regard to the question of State succession in respect of treaties, his delegation agreed that the sovereign rights of new States which had shaken off the yoke of colonialist and neo-colonialist rule should in no way be compromised. Thus, it was inappropriate to speak of the transfer of sovereignty, since that implied the transmission of obligations assumed under unfair and abusive treaties. Nor was it appropriate to apply the concept of succession in respect of sovereignty, since sovereignty could not exist without full independence and respect for the right to self-determination which, in its turn, could not be exercised under foreign pressure—including the subtle forms of neo-colonialism—or in situations where the weak were exploited by the strong.

50. His delegation welcomed the efforts to define the principles which should govern State responsibility, particularly at a time when imperialists were committing aggression with impunity in disregard of the provisions of the United Nations Charter.

51. Mr. ŠAHOVIĆ (Yugoslavia) said that during the past 25 years the legal bodies of the United Nations, and in particular the Commission by applying the principles of codification and progressive development, had promoted the unification of international law and had thus created

conditions which were more conducive to the achievement of the fundamental goals of the United Nations.

52. His delegation was particularly gratified to note that at its twenty-second session the Commission had completed its first reading of parts III and IV of the draft articles on relations between States and international organizations. Because of their novelty and importance, those parts of the draft should be studied in depth by States and international organizations. In the view of his delegation, at the second reading of the draft articles, the Commission might consider differentiating more precisely between arrangements for permanent missions of Member States, permanent observer missions and delegations to organs of international organizations and conferences. Those arrangements should be based on the statutes, rules, goals and principles of the organizations in question and the functions of observer missions and delegations to organizations and conferences rather than on international law in general. His delegation believed that the situation of permanent observer missions could only be improved through a better interpretation of the statutes of international organizations. It considered that the Commission was not required to deal with the substance of the question of the right of non-member States to take part in the activities of international organizations of a universal character in the draft articles on relations between States and international organizations.

53. With regard to the succession of States, his delegation appreciated the fact that the Commission had studied that question within the general framework of the law of treaties, but considered that it might be useful to undertake a parallel study of succession in respect of treaties and succession in respect of matters other than treaties. Consideration of the various problems of succession would help to crystalize the general legal rules which were to be applied in all situations involving the problem of succession. It was also to be hoped that it would be possible to define a general theory of succession, based on the practice of States which had attained independence as a result of the struggle against colonialism. His delegation approved of the distinction made between succession in internal law and succession in international law and agreed with the view that new States should not be considered bound by treaties concluded by their predecessor and in force at the date of succession, or under any obligation to become a party to such treaties. However, the Special Rapporteur's definition of the term "succession" should be studied further. That was particularly important in view of the presumption of continuity, with which the Special Rapporteur and the Yugoslav delegation disagreed, since the principle of self-determination militated against the recognition of a legal presumption of continuity. Another element which should be included in the definition of succession was the subjective element deriving from respect for that principle. It would unequivocally indicate that the legal consequences of transfer of State sovereignty or of the competence to conclude treaties in respect of a given territory were not automatic but were dependent on the wishes of the people of that territory.

54. With regard to State responsibility, he considered that a questionnaire would enable Member States to express their opinions on the questions considered by the Commission and would enable the Commission to harmonize

the method of progressive development with the opinions of Governments.

55. His delegation supported the Commission's request to extend the forthcoming session to 14 weeks. The Commission should be enabled to conclude its work before the expiration of the term of office of its present membership. It was also to be hoped that the Commission would submit to the twenty-sixth session of the General Assembly its next long-term work programme. The situation in the world was totally different from what it had been when the current work programme of the Commission had been drawn up. The General Assembly should therefore consider the needs of States and the international community for the next 30 years. In addition, he welcomed the success of the Seminar on International Law. The Seminar was becoming increasingly well known in legal circles. It was to be hoped that it would be possible to extend the scope of the Seminar and, in accordance with the suggestion made by the representative of Iraq (1186th meeting), to strengthen the links between the Commission and the Sixth Committee through the Seminar.

56. Mr. AL-SABAH (Kuwait) recalled that the Secretary-General had repeatedly emphasized the importance of the question of permanent observer missions to international organizations and the desirability of concluding an agreed set of articles to determine their rights and obligations. The draft articles on such missions formulated by the Commission constituted an important step towards legalizing a situation which had existed hitherto on the basis of practice

alone. The articles were in line with the concept of universality in that they gave legal recognition to non-member States and ensured liaison and co-operation between such States and international organizations.

57. His delegation welcomed the efforts made in formulating the draft articles relating to delegations to international conferences, which ensured the protection and freedom of work of such delegations.

58. His delegation also welcomed the reports of the Special Rapporteurs on succession of States in respect to treaties and on State succession in respect of matters other than treaties. Pending the conclusion of a comprehensive set of articles on State succession, his Government would be guided in that field by the recognized principles of international law. It was to be hoped that the Commission would soon complete the study on State responsibility.

59. His delegation supported the suggestion made by the representative of Iraq that young jurists who had attended the meetings of the Sixth Committee should be encouraged to attend the seventh session of the Seminar on International Law. It also supported the proposal to extend the Commission's 1971 session to 14 weeks. His delegation was pleased to note the mutual co-operation existing between the Commission and the Asian-African Legal Consultative Committee, of which his Government had recently become a full member.

The meeting rose at 5.40 p.m.