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Agenda item 87

Final clauses

DRAFT CONVENTION ON SPECIAL MISSIONS

Report of the Drafting Committee on the final clauses

As mentioned in paragraph 9 of its report on the draft Convention on Special Missions submitted last year to the General Assembly, the Sixth Committee instructed the Drafting Committee "to prepare ... a set of final clauses for the future Convention, and to submit them to the Sixth Committee".

The Drafting Committee received three sets of draft final clauses submitted by the Union of Soviet Socialist Republics, by France, the United Kingdom and the United States of America and by Ghana and India.

After devoting several meetings to consideration of those texts, the Drafting Committee took the following decisions:

1. With regard to the provisions relating to the necessity of ratifying the Convention, its entry into force, the functions of the depositary and authentic texts, the Drafting Committee recommends to the Sixth Committee to take as a basis articles 49, 51, 52 and 53 of the Vienna Convention on Diplomatic Relations. The Drafting Committee did not, however, take any decision concerning the designation of the depositary or depositaries. The text of the four articles in question may thus have to be brought into line with the decision taken on that point by the Sixth Committee. Similarly, the categories of States mentioned in articles 52 and 53 may have to be modified.

2. It was not possible to reach any agreement in the Drafting Committee on the other provisions of the final clauses, such as those concerning participation in the Convention. Consequently, the Drafting Committee transmits

to the Sixth Committee in the attached annex the three drafts submitted to it. These drafts are reproduced in the order in which they were submitted to the Drafting Committee.

ANNEX

Draft final clauses submitted to the Drafting Committee

I. DRAFT SUBMITTED BY THE UNION OF SOVIET SOCIALIST REPUBLICS

Original: English and Russian

1. The present Convention shall be open for signature to all States. Any State which does not sign the present Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. The present Convention shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of which are hereby designated the depositary Governments.

3. The present Convention shall enter into force after the deposit of instruments of ratification by ... Governments.

4. For States whose instruments of ratification or accession are deposited after the entry into force of the present Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The depositary Governments shall forthwith notify the Governments of all States signatory and acceding to the present Convention of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of the present Convention, and of the receipt of other notices.

6. The present Convention shall be registered by the depositary Governments pursuant to Article 102 of the Charter of the United Nations.

II. DRAFT SUBMITTED BY FRANCE, THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA

Original: English and French

Article A

Signature

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party to the Convention, until 31 December 1970 at the United Nations Headquarters in New York.

Article B

Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article C

Accession

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article A. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article D

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article E

Notifications by the Secretary-General

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article A:

(a) Of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles A, B and C;

(b) Of the date on which the present Convention will enter into force, in accordance with article D.

Article F

Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article A.

III. DRAFT SUBMITTED BY GHANA AND INDIA

Original: English

Article A

Signature

1. The present Convention shall be open for signature by:

(a) All States Members of the United Nations or any of the specialized agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Agreement, or

(b) Parties to one or more of the following treaties:

(i) Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water;

(ii) Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies;

until at any of the following the Ministry for Foreign Affairs of the Union of Soviet Socialist Republics and the Department of State of the United States of America. The Governments of the Union of Soviet Socialist Republics and the United States of America, hereinafter called the "Initial Depositaries", shall promptly inform the Secretary-General of the United Nations of each signature and of the date thereof.

2. On the Initial Depositaries shall transmit the two signed originals of the Convention by the speediest means for final deposit to the Secretary-General of the United Nations, who is hereby designated as the Final Depositary.

Article B

Ratification and accession

1. This Convention is subject to ratification by signatories. It shall remain open for accession by any non-signatory coming within one or more of the categories mentioned in paragraph 1 of article A.

/...

2. Instruments of ratification and accession shall be deposited, in the first instance, with any of the Initial Depositaries.

3. On receipt of an instrument of ratification or accession, an Initial Depositary shall promptly transmit it to the Final Depositary, who shall receive in deposit any instrument so transmitted to him.

4. Any notification relating to this Convention shall be addressed in the first instance to any of the Initial Depositaries, who shall promptly transmit it to the Final Depositary.

Article C

Entry into force

1. This Convention shall enter into force upon the thirtieth day following the date of receipt in deposit by the Final Depositary from the Initial Depositaries, through the procedure provided in paragraph 3 of article B, of the instrument of ratification or accession.

2. For each State ratifying or acceding after the entry into force of the Convention, the Convention shall enter into force on the thirtieth day after the date of deposit with the Final Depositary of its instrument of ratification or accession, through the procedure provided in paragraph 3 of article B.

Article D

Notifications

The Final Depositary shall inform all signatories and acceding States:

(a) Of the date of each signature as notified to him pursuant to paragraph 1 of article A,

(b) Of the date of deposit with him of each instrument of ratification or accession pursuant to paragraph 3 of article B, and

(c) Of the date of the entry into force of the Convention pursuant to paragraph 1 of article C, and

(d) Of the date of receipt by him from an Initial Depositary and of the contents of any relevant notification.

Article E

Authentic texts

The two originals of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall after receipt by the Final Depositary remain deposited in the archives of the United Nations. Duly certified copies of the text of this Convention shall be prepared by the Final Depositary. They shall be transmitted by him to all States coming within the provisions of sub-paragraph (a) of paragraph 1 of article A. Additional copies shall be provided to the Initial Depositaries for transmission as they consider appropriate.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Convention.
