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Chairman: Mr. K. Krishna RAO (India).

AGENDA ITEM 85

Draft Convention on Special Missions (continued)
(A/6709/Rev.1 and Corr.1, A/7156 and Add.1 and 2;
A/C.6/L.646, A/C.6/L.653, A/C.6/L.656, A/C.6/
L.657, A/C.6/L.659, A/C.6/L.660, A/C.6/L.661)

Article 2 (Sending of special missions) (continued)

1. Mr. MYSLIL (Czechoslovakia) said that in general his Government was fairly satisfied with the text proposed by the International Law Commission. His delegation was, however, inclined to agree that the words "for the performance of a specific task" were not essential. Performance of a specific task was only one of the characteristic features of a special mission, and if it was mentioned in article 2, the other features should also be specified. Moreover, as had been pointed out, the description of that element in article 1 (a) differed from the description in article 2.

2. The Ghanaian amendment (A/C.6/L.656) substituted mutual consent for the consent of the receiving State. In his delegation's view, however, the sending State did not give consent, but merely designated a special mission. The consent of the receiving State was, of course, required under the principle of the sovereign equality of States. A mission, whatever its nature and purpose, which entered the territory of a foreign State without the latter's consent violated the principle of sovereign equality and other principles of international law as well. Accordingly, his delegation preferred the Commission's text to the Ghanaian amendment on the issue of consent.

3. The United Kingdom amendment (A/C.6/L.653) was not in harmony with international practice, in which the form of consent varied greatly and might be given formally, informally, or even tacitly. All the preparatory work done by the Commission and the views of the Special Rapporteur accepted by the Commission showed that the Commission had proceeded on that premise in its deliberations. His delegation, therefore, was unable to support the United Kingdom amendment.

4. The French amendment (A/C.6/L.657), in specifying that the sending State should submit a request through the diplomatic channel, implied that the

answer should be given through the same channel. It thus went even further than the United Kingdom amendment. Yet in practice the consent of the receiving State was given through a variety of channels. The French amendment also required the special mission to be representative in character, but representative character was only one of the constituent elements characteristic of special missions. There again, unless all the components of a special mission were listed in article 2, it would be preferable not to refer to any. Lastly, the basic idea of the French amendment dealt with a matter which did not belong to article 2 on the sending of special missions. That idea might be considered in connexion with the introduction to part II of the draft Convention (Facilities, privileges and immunities).

5. The discussion of article 2 had helped to clarify the meaning of the term "special mission", and the term would be further clarified when the Committee considered article 3. The Committee might make another attempt to consider the definition of the term when it concluded its consideration of part I of the draft Convention (Sending and conduct of special missions), in order to avoid any misunderstanding regarding privileges and immunities. That, together with consideration of article 50 (c) on non-discrimination, would facilitate the task of those delegations which intended to submit far-reaching amendments to the draft articles dealing with privileges and immunities.

6. Mr. DUPLESSY (Haiti) said that the text of article 2 prepared by the Commission contained two ideas: first, that the establishment of a special mission required the consent of the sending State and the receiving State; secondly, that a special mission might be established or sent only for the performance of a specific task. No one could question the first proposition, which was based on the principle of State sovereignty. Regarding the second proposition, he thought that, while a special mission was always entrusted with the performance of a specific task in the sense that the task was not generally one of those within the competence of regular permanent missions, it did not follow that that task was necessarily specific. A special mission to investigate ways of strengthening the friendship between two States, for example, could not be described as specific, since its character and field of activity would not be known until after the mission had been accomplished. Performance of a specific task could not be regarded as essential to the establishment of a special mission, since in many cases the mission was sent to determine the task to be performed. His delegation would speak on that point again when the Committee took up article 3.

7. His delegation favoured the Ghanaian amendment (A/C.6/L.656), combined with the Belgian proposal (1040th meeting) but did not think that the term "recognized" in the provisional version of that proposal could be applied to action by the sending State. Accordingly, his delegation had submitted an amendment (A/C.6/L.660) rewording those two proposals.

8. Mrs. d'HAUSSY (France) explained that the words "through the diplomatic channel" in her delegation's amendment (A/C.6/L.657) were intended to specify the channel for the submission of the request so that there would be no risk that the request would be submitted to the wrong authority. It was essential that both the receiving State and the sending State should recognize the representative character of a special mission. Her delegation's amendment referred to the representative character of a special mission because that was one of the most important factors justifying the according of privileges and immunities to special missions.

9. Mr. ENGO (Cameroon) did not think that the proposed amendments improved the text prepared by the Commission. The decision of a State to send a special mission to another State was, as it were, an offer to treat. The question of consent thus concerned the receiving State alone. It had the right to consent to receive the special mission, to consent to grant to the special mission recognition or such status as was required and to consent to the scope of the specific matters on which contact was desired by the other party. That consent fell entirely within the competence of the receiving State. The expression "mutual consent" employed in amendments A/C.6/L.656 and A/C.6/L.660 and the Belgian proposal (1040th meeting) might be construed as implying that the composition of the special mission was to be determined by agreement between the parties. That proposition could not be sustained in law, however. A State had a sovereign right to appoint whomever it wished; at the same time, a receiving State had a sovereign right to refuse to admit any alien. That was the basis on which the question of consent must be examined. Article 9 gave adequate opportunity to both States to agree on the details of the composition of a special mission.

10. His delegation was somewhat uneasy about the use of the word "designated" in the Ghanaian amendment (A/C.6/L.656) and shared the views of the Belgian delegation concerning that term. His delegation was also unhappy about the United Kingdom amendment (A/C.6/L.653), which qualified consent by the word "express". State practice in his part of the world showed that the borderline between express and tacit consent was so fine that the use of the term "express" could be misleading.

11. His delegation did not share the misgivings expressed by other delegations concerning the phrase "for the performance of a specific task", but was prepared to consider proposals for the improvement of that wording. A solution might be found on the lines of the formula in article 1 (a).

12. The French amendment (A/C.6/L.657) presented some difficulties. First, it seemed unnecessary to state that special missions should enjoy the

treatment provided for in the Convention. That should be taken care of when the privileges of special missions were set out. Secondly, in the French text the expression "l'Etat intéressé" in that context was somewhat ambiguous. Both the sending and the receiving States were interested in the matter. His delegation did not think that the French amendment should be added to article 2; there was sufficient scope elsewhere in the draft Convention for ensuring that recognition was permitted to play the desired role in consent.

13. While the Belgian proposal (1040th meeting) and the Haitian amendment (A/C.6/L.660) attempted to clarify the United Kingdom and Ghanaian proposals (A/C.6/L.653 and A/C.6/L.656), the comments he had made concerning the expressions "mutual consent" and "express consent" were also applicable to those amendments.

14. Mr. SPERDUTI (Italy) agreed that the words "for the performance of a specific task" in article 2 were superfluous because the character and purposes of a special mission would be defined in article 1. His delegation considered that article 2 should refer to the consent of the receiving State only, rather than to the mutual consent of the sending and the receiving State. In that respect, article 2 differed from article 3, where it was necessary to refer to mutual consent. It should be remembered that diplomatic relations concerned the exchange of missions, whereas a special mission was sent unilaterally from one State to another.

15. The stress which the French amendment (A/C.6/L.657) laid on the representative character of the special mission was supported by the Commission's view in paragraph (3) (ii) of its commentary on article 1 that that was an essential distinguishing characteristic of special missions in the sense used in the draft Convention. The Committee would have to devise a procedure for establishing the existence of representative character. However, his delegation had some doubts about the procedure proposed in the French amendment, which required the submission of the request through the diplomatic channel, particularly as article 7 of the draft Convention stated that the existence of diplomatic or consular relations was not necessary for the sending or reception of a special mission.

16. His delegation was not opposed to the United Kingdom amendment (A/C.6/L.653), but thought that the drafting committee should revise the wording in order to make it entirely clear that the consent of the receiving State must be secured before the special mission was sent.

17. Mr. BEN MESSOUDA (Tunisia) said there appeared to be agreement that consent was required from both the sending State and the receiving State. The grant of such consent to the sending of a special mission logically implied recognition of that mission's representative character. While it was preferable that consent should be given before the special mission was sent, it should be noted that there was nothing to prevent a State from withdrawing at a later stage the consent it had given before the sending of the mission. In fact, the form of consent depended

on the form of relations between the two States, which might vary greatly. If the two States were not on friendly terms, one would naturally avoid sending a special mission to the other without first obtaining its consent. If the two States were friendly, however, they might well decide to dispense with that formality. The text of article 2 proposed by the Commission did not preclude the receiving State from requiring prior consent. The text was flexible and well thought out, and his delegation would support it. However, his delegation would not oppose the deletion of the phrase "for the performance of a specific task", since the definition of the task of a special mission in article 1 (a) would seem to be broader than that in article 2.

18. Mr. LIANG (China) pointed out that it was difficult to discuss article 2 alone, since it was closely related to articles 1 and 3.

19. The definition of the term "special mission" should be removed from article 1 on the use of terms, in which other, less important terms were defined, and placed in a separate article. His delegation supported the deletion of the phrase "for the performance of a specific task" in article 2; the description of the functions of a special mission should be found in the definition of the term.

20. He felt that it was as dangerous to split up the establishment of a special mission into the elements of sending and receiving as it was to split up a contract into offer and acceptance, which could not be said to require the mutual consent of the parties. Accordingly, he supported the wording proposed by the Commission.

21. The United Kingdom amendment (A/C.6/L.653) was unnecessary. It was intended to protect the receiving State, but as that State, when approached by the sending State, could indicate clearly that it did not wish to receive the mission, there was no need for a general provision to protect it.

22. The French amendment (A/C.6/L.657), which stated the current practice, put the cart before the horse. The question of the status of special missions was dealt with in article 21, and the attempt to deal with it in article 2 was premature. The French amendment should be discussed when the Committee took up the question of status.

23. He shared the Canadian representative's view (1040th meeting) on the submission of the draft articles to the General Assembly. Unless a new method was devised, it would be a very unwieldy procedure for plenary meetings of the General Assembly to concern themselves with the final stages of the work on the draft Convention.

24. Mr. DABIRI (Iran) said that his delegation considered the text of article 2 prepared by the Commission distinctly preferable to the proposed amendments and consequently favoured the adoption of that text.

25. Mr. MOLINA LANDAETA (Venezuela) said that, while the Commission had followed the relevant provisions of the Vienna Conventions on Diplomatic and Consular Relations, it had borne in mind the differences between special missions and permanent

missions. His delegation did not share the fear that the word "consent" in article 2 could be interpreted as meaning only consent to receive the special mission, and not consent to grant privileges and immunities to that mission. Part II of the draft Convention (Facilities, privileges and immunities) contained a series of rules applicable to any special mission when it entered the receiving State. Thus, the term "consent" in article 2 could not be restricted to the reception of the special mission. Indeed, even those States which did not adhere to the draft Convention would be required under international law to accord the facilities, privileges and immunities in question to special missions and their members, as the Commission's commentary on part II indicated.

26. The only doubts his delegation had concerned the phrase "for the performance of a specific task", which was redundant. The substance of the article would not be affected by its deletion. Nevertheless, it would be preferable to follow the Commission's conception of the draft Convention as a whole and to retain the phrase. Any doubts as to its meaning should be dissipated by the examples given by the Expert Consultant at the previous meeting.

27. As the various amendments introduced wording which departed from the structure of the text envisaged by the Commission, his delegation preferred the original text. It would, however, support the addition proposed by the United Kingdom amendment (A/C.6/L.653), as it satisfied a legitimate practical concern.

28. Mr. PINTO (Ceylon) agreed with the substance of article 2 as it stood, but was sympathetic towards the arguments advanced by the United Kingdom and Ghana in support of their amendments (A/C.6/L.653 and A/C.6/L.656). The consent of the receiving State was undoubtedly essential, and both amendments sought to clarify that principle without substantially changing the original draft. He felt, however, that all descriptive elements should, as far as possible, be contained in one article. The Ghanaian and United Kingdom amendments, and perhaps the French amendment (A/C.6/L.657), might with advantage be incorporated in article 1. If that was not agreeable to the Committee, he would support any joint amendment which combined the elements of all three proposals; the Canadian amendment (A/C.6/L.661) seemed to meet that criterion.

29. Mr. BILGE (Turkey) said that it seemed logical to place the words "for the performance of a specific task" in article 1, since it was a part of the definition of a special mission. His delegation agreed that the question of consent should be made more specific, and it could therefore accept the United Kingdom amendment (A/C.6/L.653). The use of the term "mutual consent" in the Ghanaian amendment (A/C.6/L.656) implied an exchange of special missions, and his delegation could therefore not support it. The French amendment (A/C.6/L.657) might more appropriately be incorporated in the definition of special missions in article 1. His delegation could accept the Canadian amendment (A/C.6/L.661), but, while not wishing to submit a formal amendment himself, he suggested that article 2 might read: "A State may send a special mission to another State with the express consent of the latter." His delegation had

a functional approach to the question of privileges and immunities and therefore disagreed with the basic structure of the Commission's text.

30. Mr. ROBERTSON (Canada) said that the Canadian amendment (A/C.6/L.661) was based on the text of the International Law Commission but made it clear that the consent of the receiving State should as a general rule be expressed, although tacit consent might be allowable as an exception. It was essential that consent should be sought through agreed channels, although not necessarily through the diplomatic channel. The words "for the performance of a specific task" were omitted in the Canadian text as being out of place in article 2.

31. Mr. KAMAT (India) found the Commission's text basically satisfactory. There seemed to be a consensus in the Committee that the consent of the receiving State was essential for the sending of a special mission, that such consent necessarily meant that the special mission would receive proper treatment in the host country, and that there should be no ambiguity regarding the necessity of consent. His delegation considered that all those elements were included in the Commission's text. The difficulty in arriving at a generally acceptable text of article 2 was due in part to the fact that the definition of special missions in article 1 had not yet been finalized. For example, the question raised in the French amendment (A/C.6/L.657) would be settled when the Committee came to define special missions.

32. Mrs. KELLY DE GUIBOURG (Argentina) said that her delegation supported the omission of the words "for the performance of a specific task" in the Ghanaian amendment (A/C.6/L.656), since the field of activity of a special mission was dealt with in article 3. The word "mutual" should not be used, however, because the question of the consent of the sending State did not arise. The insertion of the word "express" before the word "consent", as proposed in the United Kingdom amendment (A/C.6/L.653), would be a departure from general practice in the matter of consent. The French amendment (A/C.6/L.657) raised the question whether it would be the representative nature of special missions that determined the granting of privileges and immunities, which could not properly be discussed under article 2. His delegation could not support the French amendment's emphasis on the recognition of the representative character of a special mission by the receiving State, because representation was a question for the sending State to decide. Moreover, the codification of diplomatic law showed that the granting of privileges and immunities should not be based on a unilateral decision by the receiving State but on mutual agreement.

33. Mr. NALL (Israel) said that the Commission's draft would be acceptable to his delegation, provided that the words "for the performance of a specific task" were omitted. They were a part, and only a part, of the definition of a special mission. The Ghanaian amendment (A/C.6/L.656) sought to bring the draft articles into line with the 1961 Vienna Convention on Diplomatic Relations. However, the Vienna Convention dealt with the exchange of missions, so that mutual consent was necessary, but that did not apply

to special missions where exchange was not necessarily involved. If there was a consensus in the Committee that tacit consent should be obviated, his delegation would support the United Kingdom amendment (A/C.6/L.653).

34. Mr. RWAGASORE (Rwanda) said that the wording of article 2 seemed to imply that only States could send special missions, whereas article 7, paragraph 2, provided for the sending of special missions without recognition. With regard to the competence of special missions, he considered that the word "task" might be interpreted too narrowly and he proposed that the words "or question" might be inserted after the words "specific task"; the text would then conform to the definition of a special mission given in article 1 (a). Recognition of the competence of a special mission would depend on the circumstances of each case.

35. With regard to the question of consent, it would be sufficient to recognize that no State should be obliged to receive a special mission which it had not undertaken to receive. The status of special missions should be dealt with under the head of privileges and immunities.

36. Mr. SAHVIC (Yugoslavia) said that, after hearing the views of other delegations, he still felt that the Commission's text should be retained as it stood. The purpose of article 2 was to define the nature of the legal relationship which came into existence between States when they made or accepted a proposal to send a special mission. Quite logically, the Commission had drafted the text of article 2 on the basis of the definition of a special mission in article 1, and that definition was further clarified in article 2. The Commission had defined that legal relationship in clear and precise terms, which satisfied the requirements of States. The text made it clear that a State had a right to take the initiative of sending a special mission and provided a safeguard for the receiving State.

37. As several delegations had pointed out, the words "for the performance of a specific task" properly belonged to the definition of a special mission, and his delegation would agree to its deletion. The United Kingdom amendment (A/C.6/L.653) seemed to rule out tacit consent, whereas it was stated in paragraph (2) of the Commission's commentary on article 2 that for special missions consent took extremely diverse forms, ranging from a formal treaty to tacit consent. His delegation believed that there were cases where consent might properly take the form of tacit agreement. However, that was a factor that had not yet been fully clarified.

38. Most of the amendments submitted were drafted on the basis of the Commission's text. The Canadian amendment (A/C.6/L.661) merely expressed the same idea in other words, while the French amendment (A/C.6/L.657) was simply an addition to the original text. The term "recognition" was used in many of the amendments. The question raised in article 2 was that of agreement between two States, not of recognition, which should be dealt with under the head of privileges and immunities. The French delegation apparently regarded the words "through the diplomatic channel" as an important part of its amendment

(A/C.6/L.657). In his view, however, it would be more practical not to use wording which might be interpreted restrictively.

39. The Ghanaian amendment (A/C.6/L.656) was modelled on the 1961 Vienna Convention on Diplomatic Relations. The International Law Commission had stated in paragraph (1) of the commentary on article 2 that its draft followed the principle stated in article 2 of the Vienna Convention. The Committee should not lose sight of the fundamental differences between diplomatic relations and relations between States sending and receiving special missions. He suggested that the United Kingdom amendment (A/C.6/L.653) should be dealt with by the drafting committee.

40. Mr. MOSER (Observer for Switzerland), speaking at the Chairman's invitation, drew attention to the wide variety—high-level, normal and technical, for instance—of special missions. States should be enabled by the proposed convention to take account of that variety. The Special Rapporteur of the International Law Commission had suggested that provision should be made in the convention for the privileges and immunities granted to special missions to vary in accordance with the functions of those missions. The Swiss Government wished to suggest that the words "provided the States concerned wish to grant that status to the mission" be added to article 1 (a), or alternatively that article 2 be modified along the lines of the various amendments submitted to the Committee. The Finnish representative's statement (1040th meeting) had drawn attention to the fact that, under the terms of article 50 of the Commission's draft, States could reduce or increase facilities, privileges and immunities for special missions by mutual consent. There would be some advantage, however, in expressing that important principle as early as in articles 1 or 2 of the Convention. Of the amendments submitted, that of Ghana (A/C.6/L.656) and the Belgian proposal (1040th meeting) corresponded most closely with the Swiss Government's opinion on the subject. The best course would seem to be, however, to lay down the principle in article 1 (a) in the form he had suggested.

41. Mr. MULIMBA (Zambia) said that, provided it received the Special Rapporteur's assurance that the phrase "for the performance of a specific task" was used in its widest sense, namely, to cover the handling of specific questions, his delegation could accept the Commission's formulation of article 2. There was no doubt, however, that that formulation did give rise to doubt and was capable of various interpretations.

42. Article 2 should bring out the difference between permanent and special missions. In order, therefore, to clarify the meaning of the words "for the performance of a specific task", his delegation proposed that they be replaced by the words "for the purpose of performing specific functions assigned to it".

43. His delegation would have difficulty in supporting the amendments proposed in documents A/C.6/L.653, A/C.6/L.660 and A/C.6/L.661, and the Belgian proposal (1040th meeting). In the interests of flexibility, States should be allowed to choose the form their consent would take. Moreover, should the existing phraseology of article 2 exclude goodwill missions,

the adoption of such amendments would mean that further consent would have to be obtained to enable a special mission to perform any specific task resulting from the findings of a goodwill mission.

44. The other amendments submitted could be accommodated either within the wording of his delegation's oral amendment or within the framework of other articles in the drafts.

45. Mr. DADZIE (Ghana) said that, in order to facilitate the Committee's work, the delegations of Cameroon, Canada, France, Ghana, Haiti, the United Republic of Tanzania and the United Kingdom had agreed on a common text. The sponsors of the new text had taken account of the fact that the question of the tasks to be performed in the receiving State properly belonged to article 1 and that the only consent necessary for the sending of a special mission was that of the receiving State, however obtained, provided it was obtained previously. The text of the new amendment ¹/ read as follows: "A State may send a special mission to another State with the consent of the latter previously obtained through diplomatic or other agreed channel." His delegation withdrew the amendment it had submitted (A/C.6/L.656).

46. Mr. HAMBYE (Belgium) said that the first part of his delegation's proposal (1040th meeting) was covered by the new seven-Power text and was therefore withdrawn; the second part, however, was maintained (A/C.6/L.659).

47. The CHAIRMAN said that a separate vote would be taken on the Belgian amendment (A/C.6/L.659).

48. Mr. PRUDENCIO (Bolivia) said that the Commission's text, minus the words "for the performance of a specific task", should be maintained.

49. Mr. SINCLAIR (United Kingdom), Mr. ROBERTSON (Canada), Mrs. d'HAUSSY (France), and Mr. DUPLESSY (Haiti) withdrew their amendments (A/C.6/L.653, A/C.6/L.661, A/C.6/L.657, A/C.6/L.660).

50. Mr. ENGO (Cameroon) said that his delegation supported the text as read out by the Ghanaian representative. He appealed to other delegations, particularly that of Zambia, to withdraw their amendments so that the Committee could vote on one text only.

51. Mr. OGUNDERE (Nigeria) questioned the need for the word "agreed" in the last phrase of the seven-Power text.

52. Mr. KESTLER FARNES (Guatemala), referring to the phrase "consent previously obtained" in the seven-Power amendment, said that it was better to leave only the word "consent", since it was understood that the consent was previously obtained. Consent was a free manifestation of will, and what was given to an action already performed was assent, not consent.

53. The phrase "through diplomatic or other agreed channel" in the new text seemed redundant; obviously, consent would have to be obtained through the diplomatic channel if there were diplomatic relations between the States, or through some other channel if there were not.

¹/ Subsequently circulated as document A/C.6/L.663.

54. On the whole, his delegation preferred the Commission's text but would not object to the deletion of the words "for the performance of a specific task".

55. Mr. MYSLIL (Czechoslovakia) said that, although his delegation had found the Commission's text acceptable except for the words "for the performance of a specific task", it was ready to support the seven-Power amendment if the words "through diplomatic or other agreed channel" were omitted. He proposed that a separate vote should be taken on the final phrase if the sponsors were not willing to delete it.

56. Mr. BAYONA ORTIZ (Colombia) said that, in the light of paragraph (2) of the Commission's commentary on article 2, his delegation could not accept the restrictions which the seven-Power amendment placed on the mode of consent. The new text represented a departure from regular practice in respect of special missions. If a separate vote was taken on the last part of the seven-Power amendment, his delegation would abstain.

57. Mr. BEN MESSOUDA (Tunisia) said that he had formerly been in favour of merely deleting the words "for the performance of a specific task" in the Commission's text. However, after hearing the views of other delegations, he would like to hear the opinion of the Expert Consultant.

58. Mr. OSTROVSKY (Union of Soviet Socialist Republics) thanked the sponsors of amendments and the sponsors of the new seven-Power amendment for the efforts they had made to reconcile divergent views. Like many other delegations, the USSR delegation could support the International Law Commission's text except for the words "for the performance of a specific task". The new compromise text was in principle acceptable, since it attempted to stress that consent should be clearly expressed prior to the sending of a special mission. However, his delegation considered that the words "other agreed channel" were insufficiently clear and might lead to difficulties of interpretation. There seemed to be no basic difference of opinion in the Committee, and he asked the sponsors of the new amendment to make further efforts, in the light of all the comments made on the last words of the text, to find a formula which would be generally acceptable.

59. Mr. DADZIE (Ghana) said that the sponsors had sought to avoid ambiguity and had tried to state clearly the principle that consent, whether tacit or expressed, should be given prior to the sending of a special mission. Article 7, paragraph 2, showed that many situations called for communication through channels other than the diplomatic channel, and such channels should be agreed upon by the States concerned.

60. The sponsors would follow the wishes of the Committee in dividing the text for the purpose of voting.

61. Mr. ALLOTT (United Kingdom) said that it was not altogether decisive to refer to existing practice. There was no provision in international law for the granting of privileges and immunities to special mis-

sions. The entry into force of the Convention would therefore give rise to serious legal consequences and it would be necessary to know whether a receiving State had consented to receive a special mission and to the consequences of so doing.

62. As the Czechoslovak representative had indicated, the phrase "other agreed channel" was strange. By using it, the sponsors had attempted to cover those cases in which the diplomatic channels were inappropriate. The purpose of the word "agreed" was to require a sending State to use a form acceptable to a receiving State. He hoped that the drafting committee would find a more elegant way of expressing the ideas in the phrase, and that the Sixth Committee would accept it.

63. Mr. OSTROVSKY (Union of Soviet Socialist Republics) said that unless the sponsors agreed to the deletion of the last phrase of their text, his delegation would request a separate vote on the word "agreed".

64. Mr. VEROSTA (Austria), while drawing attention to the provisions of article 7, said that his delegation would nevertheless vote in favour of the seven-Power text, including the last phrase.

65. Mr. YAÑEZ-BARNUEVO (Spain) said that his delegation would vote in favour of the seven-Power text. The last phrase gave rise to little difficulty because the words "diplomatic channels" had a wide meaning in international law. It might, on occasion, be necessary to use other channels; hence his delegation could accept the words "other agreed channel".

66. Mr. VALLARTA (Mexico) said that the Commission's text would not be improved by the deletion of the words "for the performance of a specific task". Obviously, consent would have to be previously obtained. His delegation would therefore vote for the Commission's text.

67. Mr. ROSENSTOCK (United States of America) agreed with the United Kingdom representative that the language of the text could be improved. It might be advisable to defer further discussion on the matter until the text had been finalized by the drafting committee.

68. The CHAIRMAN suggested that the text should be voted on before being referred to the drafting committee. The last few words were substantive in character.

69. Mrs. KELLY DE GUIBOURG (Argentina), Mr. ROBERTSON (Canada), Mr. OSTROVSKY (Union of Soviet Socialist Republics) and Mrs. d'HAUSSY (France) suggested that voting be deferred until the next meeting. The fact that the seven-Power text was not available in all working languages might give rise to difficulties.

70. The CHAIRMAN said that it would be preferable to vote at the current meeting. The situation was a special one and would not set a precedent for voting before the written texts of amendments were available in all working languages. He suggested that the Committee should vote first on the principle of the amendment, in other words, on the seven-Power text

as a whole, then on the words "through diplomatic or other agreed channel", then on the word "agreed", and finally on the Belgian amendment (A/C.6/L.659).

71. Mr. MYSLIL (Czechoslovakia), Mr. DADZIE (Ghana), Mr. ALCIVAR (Ecuador), Mr. OSTROVSKY (Union of Soviet Socialist Republics) and Mr. ROSENSTOCK (United States of America) suggested that in accordance with rule 130 of the rules of procedure of the General Assembly, the Committee should vote first on the parts of the text on which separate votes had been requested and then on the text as a whole.

It was so agreed.

72. Mr. BEN MESSOUDA (Tunisia) and Mrs. KELLY DE GUIBOURG (Argentina) said that a separate vote should be taken on the seven-Power amendment up to and including the words "the latter".

73. Mr. KESTLER FARNES (Guatemala) requested a separate vote on the words "previously obtained".

74. The CHAIRMAN invited the Committee to vote on the Belgian amendment (A/C.6/L.659).

The amendment was rejected by 28 votes to 5, with 39 abstentions.

75. The CHAIRMAN invited the Committee to vote on the retention of the word "agreed".

By 33 votes to 25, with 14 abstentions, the Committee decided to retain the word "agreed".

76. The CHAIRMAN invited the Committee to vote on the retention of the words "through diplomatic or other agreed channel".

By 41 votes to 19, with 15 abstentions, the Committee decided to retain the words "through diplomatic or other agreed channel".

77. The CHAIRMAN invited the Committee to vote on the retention of the words "previously obtained".

By 43 votes to 5, with 27 abstentions, the Committee decided to retain the words "previously obtained".

78. The CHAIRMAN invited the Committee to vote on the phrase "A State may send a special mission to another State with the consent of the latter".

By 68 votes to none, with 3 abstentions, the phrase was approved.

79. The CHAIRMAN invited the Committee to vote on the seven-Power amendment as whole.

The amendment was approved by 48 votes to none, with 27 abstentions.

The meeting rose at 7.15 p.m.

