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CONTENTS



*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.682, A/C.6/L.692, A/C.6/L.697, A/C.6/L.719)

*Article 21 (Status of the Head of State and persons of high rank) (continued)*

1. Mr. TSURUOKA (Japan) said it was essential that article 21 should be examined in the proper perspective and in the context of three basic points.

2. First, in order to determine the privileges and immunities to be accorded to special missions, the Sixth Committee must have a clear picture of the type of missions primarily concerned. In his country there had been an explosive increase in the number of ad hoc missions sent or received in the last decade, and a great majority of them might be described as missions of a technical nature on the business level. In formulating legal rules applicable to the privileges and immunities of special missions, the Committee should make certain that the rules were proper and adequate for application to the great majority of cases.

3. Secondly, with the increase in the number and diversity of ad hoc missions, it had become all the more important to provide them with the facilities and conditions required for the performance of their functions. His delegation was therefore in full agreement with the International Law Commission's decision to adopt functional necessity as a guiding principle. If a new rule of law applicable to all special missions, irrespective of their divergence in size, functions or importance, was to be formulated, the only workable solution should consist in a formulation based on that functional necessity.

4. Thirdly, the granting of privileges and immunities to special missions and their members was an exception to the principle of equality before the law and thus an encroachment on the private rights of citizens of the receiving State. Traffic accidents involving persons enjoying immunities afforded a striking illustration of the danger of indiscriminately extending the scope of such privileges and immunities.

5. It was essential to strike a proper balance between the legitimate interests of the sending State based on the principle of functional necessity and the legitimate concern of the receiving State to protect its rights and interests and those of its citizens. From that viewpoint, the French amendment (A/C.6/L.692) and the United Kingdom amendment (A/C.6/L.697) were both extremely useful. The former followed a line of thought very close to that which his Government had adopted in its comments on the final draft articles (see A/7156). His delegation especially welcomed the element of flexibility introduced by the second sentence of paragraph 2 of the French amendment. It seemed highly desirable not to fix the scale of privileges too high in the Convention itself but rather to leave the parties as much freedom as possible to determine by mutual agreement the level of privileges and immunities to be applied in particular cases.

6. Reference had been made in the discussion to the desirability of promoting friendly relations among States through the increased use of special missions. The provision of excessive privileges and immunities in the Convention, however, might destroy the delicate balance between the sending State and the receiving State to the detriment of the legitimate interests of the latter. It had been argued that article 50 would serve as a safeguard by permitting the parties to agree to reduce the scale of privileges and immunities for missions where desirable, but it was more logical to formulate the rule for the majority of cases and the exception for the special cases, and not vice versa. Agreements reducing the scale of privileges and immunities would not be easy to attain when the Convention itself set the scale at a very high level. The consequence might well be that the receiving State would be less inclined to accept ad hoc missions as special missions within the meaning of the Convention, and that the practical value of the Convention as a workable instrument would be greatly diminished.

7. The United Kingdom amendment had the merit of keeping intact the scale of privileges and immunities prepared by the Commission and thus limiting the Sixth Committee's drafting task to the minimum. The objection that there was no acceptable dividing line between the two types of special mission was more theoretical than real. Special missions led by persons of very high rank would, more often than not, have a representative character and there would thus be full justification for treating them in practice on a different level from purely technical special missions. The United Kingdom amendment could serve as a useful alternative to the French amendment, especially if the majority of the Committee wished to retain the high level of privileges and immunities

envisaged in the Commission's draft for at least some important groups of special missions. The most important consideration was that the text of the Convention finally adopted should be acceptable to the vast majority of States and be used by a great number of States in promoting international co-operation.

*Mr. Gobbi (Argentina), Vice-Chairman, took the Chair.*

8. Mr. YASSEEN (Iraq) said that the International Law Commission had envisaged the draft Convention as a codification of the ordinary rules of law governing special missions; article 21 was therefore indispensable, since it underlined the fact that the Convention was intended to be the ordinary rule of law, and accordingly his delegation was unable to support the Belgian proposal (A/C.6/L.682) for its deletion. For the same reason, his delegation could not support the United Kingdom amendment (A/C.6/L.697), which would limit the status provided by the Convention to certain special missions led by persons of high rank; the Commission had not intended to codify the law of high-level missions.

9. Paragraph 1 of article 21 could not be denied. Persons who enjoyed special status under international law did not lose that status by the fact of leading a special mission. Paragraph 2, in so far as it dealt with the Head of the Government and the Minister for Foreign Affairs, was also clearly correct, because those officials enjoyed certain facilities, privileges and immunities under international law. Unfortunately that did not apply to other Ministers, though there was perhaps a custom in the making which would assimilate those Ministers to the Minister for Foreign Affairs. The French amendment (A/C.6/L.692) dealt with that problem by according the Head of the Government, the Minister for Foreign Affairs and Ministers of comparable rank the facilities, privileges and immunities accorded to diplomatic agents. That was not a satisfactory solution, however, since the Head of the Government and the Minister for Foreign Affairs enjoyed under international law more privileges and immunities than did a diplomatic agent. Other persons of high rank, such as the President of the national assembly or the President of the supreme court, also had no established status under international law. While there was something to be said for according them the status of Head of Government or Minister for Foreign Affairs, it was perhaps more flexible and accurate to leave their status to be decided by agreement between the States concerned. And certainly special missions led by such persons did not constitute the majority of special missions. Thus, paragraph 2 of article 21 could be improved by incorporating some elements of the French amendment: while recognizing that the Head of the Government and the Minister for Foreign Affairs enjoyed the status accorded by international law, it should leave the status of other persons of comparable rank to be determined by agreement between the States concerned.

10. His delegation endorsed all the arguments advanced by the observer for Switzerland against the United Kingdom amendment at the 1056th meeting, and accordingly could not support that amendment.

11. In preparing the draft Convention, the Commission had attempted to accord essentially and principally those privileges and immunities which were justified by the functional theory. His delegation was completely in agreement with the Commission's approach. When it considered part II article by article, the Sixth Committee could reduce the extent of those privileges and immunities which it considered excessive, but the Commission's approach must be preserved and defended.

12. Mr. MYSLIL (Czechoslovakia) said that special missions were a particularly useful instrument for smaller and medium-sized States like his own which did not maintain large permanent diplomatic missions in all other States. In order to decide what privileges and immunities should be accorded to special missions, the Committee must be certain about the scope of the Convention. In his delegation's view, it should not apply to all special missions regardless of their purpose, composition or designation, but only to those which represented a State and were sent to another State to establish liaison between the organs of the two States, to perform a specific task on behalf of one of them or to deal with questions of common interest to both States as subjects of international law.

13. The United Nations Conference on Diplomatic Intercourse and Immunities had recommended that the Convention being prepared should apply mutatis mutandis to special missions, or special diplomatic missions as it called them, in order to distinguish them from permanent diplomatic missions, and the International Law Commission, in preparing the present draft Convention, had followed that recommendation. While the reasons which had led the Commission to omit the word "diplomatic" were sound, that omission had led to some confusion. The draft Convention was basically concerned with diplomatic missions of a temporary character. Once it was clearly understood that the Convention would not apply to any person or group of persons declaring itself a special mission but only to those State organs sent abroad which fell within the definition of a special mission in the Convention, the solution of the question of privileges and immunities was close at hand.

14. There was a dual basis for the granting of privileges and immunities: first, the need to ensure conditions for the exercise of the functions of the special mission, undisturbed by the receiving State or any of its organs, and free from any pressure or interference; secondly, the representative character of the special mission. The maxim of par in parem imperium non habet, under which a State had no jurisdiction over another State or any of its organs, applied to such missions. It was also relevant that a special mission was to a certain extent a personification of the sending State. The functional theory alone would not justify the inclusion of many of the privileges and would permit an individualistic interpretation of the status and needs of a particular special mission. Both principles were necessary to justify the extent of the privileges and immunities to be accorded to special missions. The dual basis for the granting of privileges and immunities to special missions was best expressed by the statement in the draft preamble prepared by the Commission to the effect that the purpose of such privileges and im-

munities was to ensure the efficient performance of the functions of special missions as representing States.

15. Special missions did not, of course, require all the immunities and privileges enjoyed by permanent diplomatic missions. Nor did the privileges and immunities accorded to the head of a special mission necessarily need to be accorded to its other members. On the other hand, as the Convention was concerned with the legal implications of certain inter-State relations, it would be inappropriate to base it on analogies to relations between States and international organizations.

16. Accordingly, his delegation considered that the Convention should regulate the legal status of only one category of special missions, namely, those falling within the definition of a special mission in that Convention. Privileges and immunities would be accorded to missions not falling within that definition only at the discretion of the receiving State or on the basis of a specific agreement to that effect.

17. His delegation could not support the United Kingdom and French efforts to establish different categories of special missions, since that approach might lead to serious difficulties and would not find much support in practice. Indeed, as the approach reflected in the United Kingdom and French amendments represented a new conception of the structure of the Convention, he wondered whether they should not be considered as independent proposals rather than as amendments to the Commission's proposal. His delegation supported the Commission's draft and the philosophy underlying part II thereof, although it might favour changes in some of the articles. It also supported article 50, which would permit States to reduce reciprocally the extent of facilities, privileges and immunities for their special missions.

18. His delegation thought that there was not much legal content in article 21 itself, since it was difficult to imagine what facilities, privileges and immunities not accorded by the subsequent articles of part II might be accorded by international law. The Commission might perhaps have indicated in that article what those additional facilities, privileges and immunities were. If the majority of the Committee, however, felt that a provision like article 21 was necessary, his delegation would agree to its retention, since it might be useful to reaffirm that the Head of the Government, for example, was entitled to the facilities, privileges and immunities accorded by international law.

19. Mr. SAGBO (Dahomey) said that his delegation could not support the Belgian amendment (A/C.6/L.682), which would delete article 21; similarly, although the amendments of the United Kingdom (A/C.6/L.697) and France (A/C.6/L.692) contained some positive elements, their application might raise practical and other difficulties and, consequently it could not support them. The International Law Commission's text of article 21 was satisfactory in so far as it aimed to ensure that every special mission should be granted everything that was essential for the regular performance of its functions, having regard to its nature and task. Article 21 should be viewed in the light of the safeguards contained in article 50, paragraph 2 (c).

20. He stressed that his delegation's support for article 21 in no way prejudged the position it would adopt on the subsequent draft articles on facilities, privileges and immunities. While recognizing the need to grant special missions all the facilities necessary for the proper performance of their tasks, his delegation believed that privileges and immunities should be granted with great care and only to properly qualified persons, since they constituted an exception to the principle of equality before the law.

21. Mr. PRANDLER (Hungary) said that his delegation supported the basic approach and wording of the International Law Commission's text of part II of the draft Convention. The fundamental issues on which the Sixth Committee was divided were whether a uniform régime of privileges and immunities should be applied to special missions, and if a uniform régime was to be applied, what its scope and content should be.

22. The institution of special missions was being employed with increasing frequency for a wide variety of purposes, and it would be wrong to curb that development by attempting to establish artificial categories for special missions in order to reduce their privileges and immunities. As the observer for Switzerland had pointed out (1056th meeting), special missions could not properly be divided into two categories, either in theory or practice. The Commission had also taken that position, emphasizing that the draft Convention as a whole dealt with special missions which, although not always high-level missions, were nevertheless important missions having a representative character. The Commission had therefore concluded that there was no need to deal separately with high-level missions except in article 21, which had been added to the draft only in 1967.

23. With regard to the scale and content of the uniform régime to be applied to special missions, the Commission's draft also offered a reasonable solution. The Commission had basically adopted three principles, namely, that the facilities, privileges and immunities granted to special missions were accorded ex jure and not by virtue of the comity of nations; that States were bound to apply the criteria of the Vienna Convention on Diplomatic Relations and grant benefits accordingly; and that it was for the sending State and the receiving State to decide on the extent to which they wished, in the interest of their relationship, to grant privileges and immunities to special missions. Thus, the general tendency in the Commission's text was to adhere to the basic proposition that special missions should be equated, as far as practicable, with permanent diplomatic missions. He recalled in that connexion that one member of the Commission, Mr. Ago, had expressed the view that the needs of a special mission with respect to personal inviolability were exactly the same as those of a diplomatic mission.[1]

24. His delegation shared the view of the United Kingdom representative (1055th meeting) that it was

[1] See Yearbook of the International Law Commission, 1967, vol. I, 916th meeting, para. 9.

essential that there should be a proper balance between the interests of the sending and receiving States, but it felt that, however, the United Kingdom's amendment (A/C.6/L.697) failed to achieve such a balance. Indeed, the basic provisions of that amendment were detrimental to the effective functioning of special missions, since they were weighted in favour of the receiving State, and his delegation could not support it.

25. For similar reasons, his delegation could not support the French amendment (A/C.6/L.692). Although it did not formally seek to establish two categories of special missions, when it was read in conjunction with the other French amendments to part II of the draft articles it became clear that the ultimate effect of the French amendment to article 21 would be to establish a restricted régime of privileges and immunities for a second category of special missions.

26. Mr. DARWIN (United Kingdom) said that certain delegations had apparently misunderstood the purpose of the United Kingdom amendment (A/C.6/L.697) in suggesting that it would require in every case that a special agreement be concluded before privileges and immunities were extended to certain special missions. On the contrary, the United Kingdom amendment would operate automatically in almost every case. Where a special mission was led by a Head of State, Head of Government, or person of ministerial rank, he would automatically enjoy a scale of privileges and immunities based closely on the articles proposed by the International Law Commission. Thus, no significant re-drafting of the Commission's text was required. In other cases, the members of a special mission would automatically enjoy the privileges and immunities set forth in the proposed new part III (A/C.6/L.698 and Corr.1). Special agreement would be necessary only where two States wished to grant an ordinary special mission the higher scale of privileges automatically enjoyed by ministerial special missions.

27. It had been argued that it was not logical to distinguish between types of special mission on the basis of the rank of the leader of the mission in question. But in broad terms rank was some indication of function. Although a Minister might not always be doing more important work than an Under-Secretary, he would usually be doing so, and it was therefore reasonable to construct a régime based on that premise. The approach recommended by the United Kingdom had already been adopted for many years in international law in respect of the Head of State and the staff accompanying him when travelling abroad on official business. With regard to ministerial missions, if a Minister was selected as head of a special mission because of the importance of the task involved and was given certain protection and rights so as to enable him to carry out that task, it seemed logical that the other members of his staff in a responsible position who assisted him in that task should be given similar protection and rights in order to enable them to perform their functions effectively.

28. With regard to the Belgian proposal (A/C.6/L.682) for deleting article 21, his delegation was inclined to see some value in the Commission's text in so far as there might be particularly in connexion with the Head of State, rights already existing in international law which should be preserved. However, if paragraph 2 of the Commission's text was retained, his delegation's acceptance of it would not imply any position as to whether any privileges and immunities were accorded to persons other than a Head of State by international law independently of the draft articles. The intent of the present paragraph 2 was to give certain high officers of State whatever privileges might be accorded to them under international law. What the scope of such privileges were and who might enjoy them was, however, a matter which must be discussed independently of the draft articles.

29. His delegation had sympathy with the principle inherent in the French amendment (A/C.6/L.692) that there should be some recognition of a special position for the head of a special mission when he was a particular high officer of the sending State. However, the amendment was inappropriate, because it was based on the assumption that a single régime of privileges and immunities appropriate for all special missions should be established on the basis of further discussion and possible amendment of the Commission's text. His delegation believed that such a scheme would lead to greater difficulty than the simpler proposal by his delegation, which made full use of the work done by the Commission.

30. Mr. BREWER (Liberia) said that, in his delegation's view, the purpose of the draft Convention was to codify existing practice and to cope with certain situations in diplomatic intercourse not adequately provided for. International law already regulated the facilities, privileges and immunities to be accorded to a Head of State, Head of Government or Foreign Minister and reference to such persons in the draft Convention should be limited to an indication of their relationship to a special mission which might be headed by them. The status of the category of persons generally selected to lead special missions was usually lower than that of cabinet Minister; they were mostly ambassadors or persons holding ambassadorial rank for a particular mission. Since there were no fixed rules governing such cases, it was the status of such persons that should claim the major attention in the consideration of part II of the draft articles.

31. Although his delegation had, at a first reading, felt that article 21 was out of keeping with the other articles contained in part II of the draft and therefore had no place in the Convention, it was now convinced, after hearing the views of the previous speakers, in particular the Expert Consultant, that article 21 should be retained.

32. His delegation considered that the United Kingdom amendment (A/C.6/L.697) would radically change the nature of part II, restricting its provisions mainly to Heads of State, Heads of Government and cabinet Ministers, who were the exception rather than the rule. If delegations felt that the privileges accorded to members of special missions by the draft articles were too extensive, they could propose changes or amendments on the lines of the United Kingdom proposals in documents A/C.6/L.698 and Corr.1.

33. Nor did the French amendment (A/C.6/L.692) provide an adequate solution. His delegation would

therefore support the International Law Commission's text of article 21, which served the purpose intended, namely to show the connexion between the categories of persons mentioned therein and special missions. However, the words "other persons of high rank" in paragraph 2 of the Commission's text required further definition if problems of interpretation were to be avoided.

34. Mr. VALLARTA (Mexico) did not consider that the United Kingdom amendment to article 21 (A/C.6/L.697) would improve the International Law Commission's text. It was unwise to seek to divide the complex institution of special missions into two categories. Nor could his delegation support the French amendment (A/C.6/L.692), because it believed that the function of a special mission, rather than its membership, should be the criterion which would determine the range of privileges and immunities granted to it.

35. His delegation supported the Commission's text, which set forth a genuinely pragmatic system. The Commission had wisely not attempted to classify the wide variety of types of special missions and, by the inclusion of article 50, had left the question of the range of privileges and immunities to be granted in each case to be decided by agreement between the receiving and the sending States.

36. The Drafting Committee might make it clear that it was for the sending and receiving States to decide in each case how the term "persons of high rank" was to be interpreted.

37. Mr. NACHABEH (Syria) said that his delegation's approach to part II of the draft Convention was based on the principle that the facilities, privileges and immunities granted to special missions should be limited to those essential to enable such missions to perform their functions. The International Law Commission had sought in article 21 to ensure that the Head of a sending State, and other persons of high rank, when leading or participating in a special mission, should enjoy facilities, privileges and immunities additional to those granted by the Convention. In doing so, it had not intended to place special missions headed by, or composed of, persons of high rank in a special category, its contention being that facilities, privileges and immunities were granted to special missions only as such and in order to enable them to perform their tasks. To attempt, therefore, to distinguish between two categories of special missions and vary the scale of privileges and immunities granted accordingly would be to upset the very satisfactory structure of the Commission's draft. The United Kingdom amendment (A/C.6/L.697) was, therefore, unacceptable to the Syrian delegation.

38. The French amendment (A/C.6/L.692) did not depart as far from the Commission's text as did that of the United Kingdom, but unless, as a result of substantial changes, it was brought closer into line with the idea governing the Commission's text of article 21, the Syrian delegation would be unable to support it.

39. Mr. RWAGASORE (Rwanda) said that the principle that the facilities, privileges and immunities granted to special missions should depend on the functions performed by such missions was expressed in article 22 of the draft Convention. The International Law Commission had found it necessary, however, to take account of persons who, because of their status in national law, were accorded recognition in international law. Obviously, such persons should not lose their privileges because they were participating in a special mission. The fact that Heads of State or Government and Foreign Ministers occasionally formed part of a temporary mission was an accident which should not affect their status. The doubts that could arise with respect to other members of the Government had been mentioned by the observer for Switzerland (1056th meeting). It should be noted, in that connexion, that the prestige formerly enjoyed by the Minister for Foreign Affairs was now shared, without thereby being reduced, by his colleagues in the Government. Likewise, with the democratization of international politics, an increasingly large number of persons were entering international life and public opinion would be concerned if a member of a foreign Government were not accorded treatment at least equal to that accorded to an ambassador. He wondered, moreover, whether there was any basis for the distinction between Foreign Ministers and other Ministers. His delegation, for its part, regarded all Ministers as coming within the provisions of paragraph 2 of article 21, though for the sake of clarity it might be well to insert the words "other members of the Government" before the words "other persons of high rank".

40. His delegation could not support the Belgian amendment (A/C.6/L.682). Neither could it support the United Kingdom amendment (A/C.6/L.697), which, by attempting to codify the status of the Head of State and the members of the Government and to undermine that of special missions themselves, would distort the spirit of the Commission's text. The French amendment (A/C.6/L.692) did not depart so far from the original text but would not necessarily improve it. It was difficult, for instance, to decide how the words "Ministers of comparable rank" should be interpreted. If they merely referred to the person directing the department of foreign affairs, they were unnecessary; if, on the other hand, they were intended to refer to all members of the Government, they could be retained. Another defect of the French amendment was that it sought, by ignoring the cumulative aspect of the immunities traditionally granted to the persons covered by article 21 and those which the Commission proposed to grant to special missions, and by distinguishing between Ministers and other persons of high rank, to limit the scope of paragraph 2 of article 21.

41. Mr. MUTUALE (Democratic Republic of the Congo) said that under article 21 Heads of State, Heads of Government, Ministers for Foreign Affairs and other persons of high rank would, because of their status in their country of origin, enjoy privileges and immunities in addition to those to which they would be entitled because of the nature and task of the special mission to which they were attached. Those additional privileges and immunities were determined by international law.

42. The Sixth Committee's task was to formulate the ordinary rules of law applicable to special missions

and reduce, so far as possible, the multiplicity of régimes relating to privileges. It was essential to ensure that receiving States did not discriminate between special missions. The proposed Convention would therefore have a double role: it would be an instrument for unifying the law on special missions and an instrument for ensuring the efficacy and success of special missions in international relations.

43. Of the four choices before the Committee, namely, the International Law Commission's text and the amendments submitted by the delegations of Belgium (A/C.6/L.682) France (A/C.6/L.692) and the United Kingdom (A/C.6/L.697), his delegation favoured the Commission's text, which was simple and flexible and, since it could therefore be applied to the greatest possible number of situations, it contributed towards unification of the law on the subject.

44. Paragraph 1 of the French amendment was probably pertinent. Paragraph 2, however, gave rise to difficulties. Surely, a Head of Government could not be given the same type of treatment as the head of the permanent diplomatic mission, who might not even be an ambassador. It should be noted, in that connexion, that not only Heads of State but also Heads of Government and Foreign Ministers were the main organs of States in international law. Furthermore, by suggesting that the privileges and immunities of diplomatic agents could be accorded to other persons of high rank by special agreement, the French amendment ran directly counter to the Commission's text. Obviously, the fact that special missions were rarely headed by persons of high rank could justify the French proposal. It should be remembered, however, that such a procedure would not contribute to the formulation of an ordinary rule of law applicable to special missions.

45. The United Kingdom amendment was not acceptable to his delegation. It had not been possible to study the Ghanaian amendment (A/C.6/L.719), which did not appear to involve any question of substance.

46. Mr. ALVAREZ TABÍO (Cuba) said that the amendments of France (A/C.6/L.692) and the United Kingdom (A/C.6/L.697) went beyond the framework of article 21, since they attempted to lay new bases for the system of privileges and immunities. The International Law Commission's idea was that the system should be based on diplomatic title. On that basis, and bearing in mind the infinite variety of special missions, the Commission had tried to find a formula that would lead to equality, since it would be impracticable to have special systems for each type of special mission. The correct approach was to be found in article 22. That constituted a reasonable rule, the only exception being established in article 21, under which special treatment would be accorded to Heads of State, Heads of Government and Foreign Ministers. Flexibility was imparted to the rule by article 50, under which States could agree to reduce reciprocally the extent of facilities, privileges and immunities for their special missions.

47. The French and United Kingdom amendments took no account of the nature and functions of special missions. Rather, they established different categories of special mission depending on the persons composing them. It might appear that the French text differed only slightly from that of the Commission. If that text were adopted, however, the system of privileges and immunities applicable to the third category it mentioned would be much more restricted than that provided for in the Commission's draft, which was based on the Vienna Convention on Diplomatic Relations, whereas, under the French amendment, the provisions of that Convention would apply only to persons in its second category.

48. The Cuban delegation saw no reason for amending the Commission's text, which was balanced and flexible and would not cause difficulties for receiving States.

49. Mr. MOLINA LANDAETA (Venezuela) said that an over-all view of the structure of part II of the draft Convention led to the conclusion that the International Law Commission had succeeded in drawing up a well-balanced set of rules. That was the most obvious merit of its text and one that should lead the Sixth Committee to think very carefully before introducing substantial changes. The central issue was set out in paragraph (4) of the general considerations preceding part II of the draft; attention should be paid to two criteria, the performance of the functions of the special mission, and the limitation of privileges and immunities. As to the former, as the Expert Consultant had pointed out (1056th meeting), neither in doctrine nor in practice had a scale of privileges applicable to certain members of a special mission or to certain special missions been established. As there were many types of special mission and as the titles of the persons composing them varied from State to State, his delegation fully agreed with the Commission that all special missions were representative in character and should therefore enjoy equal privileges without prejudice to the fact that certain persons would, because of their high rank, enjoy more favourable treatment than others and that States would be able, under article 50, to limit the scale of facilities, privileges and immunities granted. As the observer for Switzerland had pointed out (1056th meeting), the Commission had acted correctly in establishing simple and general regulations which would allow States to grant a different scale if they so wished.

50. The Commission had limited the privileges and immunities applicable to special missions, not placing such missions on exactly the same level as permanent diplomatic missions. It was reasonable, for instance, that the provisions of certain articles, such as article 31, should apply only when the person in question was performing his official functions.

51. Venezuela applied a very general and liberal system to special missions. It would therefore have no difficulty in adopting the system proposed by the Commission. His delegation was in favour of maintaining article 21 and could not support any of the amendments proposed to it, since they would destroy the balance of the system proposed by the Commission.

*The meeting rose at 1.5 p.m.*

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