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## CONTENTS

### Agenda item 85:

*Draft Convention on Special Missions (con-  
tinued)* . . . . . 1

*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.707/Rev.1, A/C.6/L.709,  
A/C.6/L.729, A/C.6/L.730, A/C.6/L.731)

#### *Article 29 (Personal inviolability) and article 31 (Immunity from jurisdiction) (continued)*

1. Mr. TENA (Spain) said that the Committee's difficulties with articles 29 and 31 of the International Law Commission's draft, as with other articles, were due to the fact that it had not been possible to define precisely enough what was meant by special missions. There were two different approaches, one of which was to be found in the Commission's text and the other in the various amendments submitted by France. The French amendments were perfectly acceptable with reference to a particular category of special missions and the Commission's text was just as acceptable with reference to other situations that occurred in practice. The Commission's text ensured respect for the privileges and immunities traditionally associated with representation, which was justified in the case of special missions whose work was similar to that of permanent diplomatic missions, as was the case, for example, with a special mission sent by a State which had no permanent diplomatic mission in the receiving State. The idea behind the French amendments, by contrast, was that if the privileges and immunities granted to members of special missions were too broad, they might be abused.

2. His delegation shared the Commission's ideas regarding the inviolability of the persons of the representatives of the sending State in special missions and of the members of their diplomatic staff, which article 29 did not limit in any way. It would therefore not be able to support the French amendment to the article (A/C.6/L.707/Rev.1).

3. As far as article 31 was concerned, he welcomed the fact that the Chilean amendment (A/C.6/L.729) had succeeded in finding some middle ground between the broad approach of the Commission and the limited approach of the French amendment (A/C.6/L.709). The Chilean text respected the principle of immunity from jurisdiction while making it subject to certain

fully justified limitations to ensure that it was not abused. It also rightly made immunity from civil and administrative jurisdiction a functional immunity. Although it might be true that diplomats belonging to special missions must have such immunity in order to be able to perform their functions, it was also true that, because of the temporary nature of such missions, the diplomats in question were much less likely to be subject to interference in their private lives than diplomats belonging to permanent missions.

4. Referring to the sub-amendments submitted by the Netherlands (A/C.6/L.730, A/C.6/L.731), he recognized that the problem they were concerned with created real difficulties with regard to the practical application of immunity from jurisdiction. While fully understanding the reasons which had led the Netherlands delegation to submit them, however, he considered that article 31 was not the right place for them. Nevertheless, the problem seemed so important that it might be worth holding an international conference to settle it.

5. Mr. PANCARCI (Turkey) said that his delegation had already made clear its view that in view of the variety of special missions and the diversity of their functions, it was necessary to draw up a convention containing general principles applicable in all circumstances. On the question of privileges and immunities, it should be noted that diplomatic, consular and even parliamentary privileges and immunities were only granted to the persons concerned in order to enable them to perform their functions with complete independence. Privileges and immunities could not be the same for permanent diplomatic missions and special missions. If they could, there would be no need to draw up a special convention on special missions, since they could simply be covered by the Vienna Convention on Diplomatic Relations.

6. With regard to article 29 of the International Law Commission's draft, his delegation welcomed the statement of the principle of the personal inviolability of the representatives of the sending State in the special mission and of the members of its diplomatic staff. It considered, however, that, by making the principle absolute, the Commission had produced a text which was neither complete nor suited to present requirements in international relations. It had to be admitted that diplomats belonging to a special mission could make mistakes and even commit very serious crimes. To oblige the competent authorities of the receiving State to refrain from any action in such cases would be to create an anomalous situation which might harm relations between the sending State and the receiving State and might even lead to disputes that would be difficult to settle. His delegation thought, therefore, that it would

be desirable to include a provision in the draft to the effect that in cases where a representative of the sending State in a special mission or a member of its diplomatic staff committed a serious crime, he could be arrested or placed in preventive detention by decision of the competent judicial authority. Such a provision would also make it easier to apply article 48. As far as the last sentence of article 29 was concerned, his delegation fully supported the principle it stated. In view of those considerations, his delegation tended to favour a text which would limit the personal inviolability of the representatives of the sending State in the special mission and of the members of its diplomatic staff.

7. As far as article 31 was concerned, the same considerations led his delegation to think that the immunity from jurisdiction of the representatives of the sending State in the special mission and of the members of its diplomatic staff should be limited. It would be enough, in paragraph 1 of article 31, to make the immunity from criminal jurisdiction functional, as had been done in the case of the immunity from civil and administrative jurisdiction in paragraph 2 of the same article.

8. In conclusion, he said that in view of the universal function of the United Nations, it was important that the Convention should also be of a universal nature and that it should be truly universal in application. It was obvious that if the text finally arrived at did not win the support of the great majority of members of the Committee, there was a danger that most States, and particularly those which received a large number of special missions, would hesitate to become parties to it.

9. Mr. MYSLIL (Czechoslovakia) said that the debate on articles 29, 30 and 31 again revealed a difference of view on the scope of the convention. Some delegations, such as that of France, were concerned over the extent of the privileges and immunities to be given to special missions, including missions of a purely technical nature, and considered that the solution to the problem was to reduce considerably the privileges and immunities to be granted to all missions, while other delegations, such as his own, found that approach unacceptable, considering that the International Law Commission had only wished to deal with one category of special mission. Some special missions were very high-level and led by very high-ranking persons. Others were led by persons whose rank was lower, but who had very important tasks to perform. In all cases, such missions included diplomats and, above them, representatives of the sending State. All special missions were of a representative nature. In his delegation's view, therefore, it was inconceivable that members of special missions should have such restricted immunities that they could be arrested or placed in preventive detention. That did not seem, in any case, to be the French delegation's intention, judging by the definition of special missions it proposed in its amendment to article 1 (A/C.6/L.658), which seemed to contradict its amendments to articles 29 and 31 (A/C.6/L.707/Rev.1, A/C.6/L.709).

10. The privileges and immunities granted to diplomats under the 1961 Vienna Convention on Diplomatic

Relations were broader than those previously granted to them under customary international law. With two exceptions, the same privileges and immunities were granted to administrative and technical staff of permanent diplomatic missions. Seven years later, it appeared that the Vienna Convention was the most widely accepted codification convention, since sixty-five States had now acceded to it or ratified it. His delegation considered that special missions could not be given much less in the way of privileges and immunities, because they basically had the same functions and consisted of the same people as permanent diplomatic missions. Like many other delegations, therefore, it felt it necessary to urge that articles 29 and 31 should be kept as drafted by the Commission.

11. With regard to article 31, his delegation's understanding was that those protected by it must of course abide by the law of the receiving State, though that law could not be applied against them because of their immunity from jurisdiction. However, that did not mean that such persons could violate the laws of the receiving State with impunity. They could be declared *persona non grata* and prosecuted in the sending State. Thus, immunity from jurisdiction as laid down in article 31 seemed to his delegation to be absolutely necessary, both immunity from criminal jurisdiction, without which one could hardly speak of personal inviolability, and immunity from civil and administrative jurisdiction. With regard to the concept of immunity for acts performed in the exercise of official functions—the concept underlying the Chilean amendment (A/C.6/L.729)—he pointed out that at Vienna in 1961 the question had never been raised in regard to diplomats but had only been adopted in regard to members of administrative and technical staff. The adoption of the Chilean amendment would thus put the representatives of the sending State in the special mission and the members of its diplomatic staff on the level of the administrative and technical staff of permanent diplomatic missions. Moreover, such a provision could be misused by the receiving State and thus run counter to the purpose of any immunity, namely to enable the members of special missions to carry out their functions quite independently, bearing in mind the fact that it was difficult to distinguish between official and unofficial activities. It should, moreover, be remembered that in the case of special missions, any jurisdiction was difficult to exercise because of their temporary character.

12. He reiterated that a member of a special mission violating the laws of the receiving State and enjoying immunity from jurisdiction would not entirely escape the consequences. In the interest of relations between the two States, the sending State was bound to penalize any violations of the law committed by its representatives in the receiving country. Moreover, it was well established in international law that the purpose of privileges and immunities was not to benefit individuals but to enable the special mission to carry out its functions efficiently.

13. With regard to the Netherlands sub-amendments (A/C.6/L.730, A/C.6/L.731), his delegation considered that they were unnecessary in the light of the provisions of article 44. Furthermore, if the exception proposed by the Netherlands was accepted, the ques-

tion would arise whether there should not be other exceptions also, e.g. concerning maintenance. In view of the very profound differences of opinion on the subject of article 31, he thought it might be useful to postpone the voting on the article and the relevant amendments.

14. In conclusion, he again stressed that his delegation could not accept the idea that personal privileges and immunities could be reduced to the level of those of consular personnel. As a way of reconciling the differences of opinion which had emerged, it might be possible to begin by reaching agreement on an appropriate definition of special missions, accepting the privileges and immunities proposed by the Commission, and deciding what type of special missions should be granted such privileges and immunities. Once that stage was past, the Sixth Committee might decide what privileges and immunities should be accorded to special missions not falling within the definition adopted. In any event, the Czechoslovak delegation would not be in a position to support any of the amendments submitted to articles 29, 30 and 31.

15. Mr. BAYONA ORTIZ (Colombia) said that the text of the articles at present under consideration seemed to fuse together the various theories based on the representative character of special missions and their functional nature. While it was perfectly true that the International Law Commission had based its text on the provisions of the Vienna Convention on Diplomatic Relations, the fact remained that it had felt that special missions should enjoy the facilities they needed for carrying out their functions and should have a status of their own. It was therefore important to contribute to the work done by the Commission and to seek ways and means of bringing together the various viewpoints expressed by delegations and producing a text likely to meet with general approval.

16. The Colombian delegation had examined the three articles in question with that in mind, and had arrived at the following conclusions: with regard to the personal inviolability of representatives of the sending State in the special mission and the members of its diplomatic staff, it saw no objection to the adoption, *mutatis mutandis*, of the provisions of article 29 of the Vienna Convention on Diplomatic Relations; it considered that personal inviolability was by its very nature indivisible and hence could not be restricted to acts performed by members of special missions in the exercise of their functions. The representatives of the sending State in the special mission and the members of its diplomatic staff must not be exposed to the risk of being taken into custody, whether under the heading of preventive detention or otherwise, although that did not mean that they should enjoy complete immunity from jurisdiction. As had already been explained, those were two distinct concepts, each of which had been used as a basis for a separate article. For those reasons, the delegation of Colombia regretted that it could not endorse the amendment proposed by the French delegation (A/C.6/L.707/Rev.1); it would vote for article 29 as drafted by the Commission.

17. With regard to article 30 concerning the inviolability of the private accommodation of the repre-

sentatives of the sending State in the special mission and of the members of its diplomatic staff, the Colombian delegation noted that the article reproduced the corresponding provisions of the Vienna Convention on Diplomatic Relations, and was in favour of keeping it; it also approved the substance of the Swedish delegation's amendment to the first paragraph of the article (A/C.6/L.725).

18. On the other hand, his delegation could not approve article 31 of the draft, concerning immunity from jurisdiction, as it stood. The provisions of paragraph 1, concerning immunity from criminal jurisdiction, were acceptable, but immunity from civil and administrative jurisdiction seemed unduly wide in scope. In its opinion, such immunity should be restricted to acts performed in the exercise of official functions. That was in fact the purpose of the Chilean amendment (A/C.6/L.729), which took over the text proposed by the Special Rapporteur in his second report in respect of what had then been draft article 27.<sup>1/</sup> The Special Rapporteur had stated at the time that special missions should not enjoy the same immunities as diplomatic staff; their functions were not permanent in character and there was no reason why their staff should not be subject to civil actions. A member of a special mission domiciled in his own country could always challenge the competence of the courts of the country where he was temporarily residing, but the same could not be said of a diplomat residing permanently in the receiving State, who had to protect his prestige as a career diplomat.<sup>2/</sup> Furthermore, at the nineteenth session of the International Law Commission, the Special Rapporteur had pointed out that, generally speaking, the members of special missions did not insist on immunity from civil and administrative jurisdiction as accorded to diplomatic agents under article 31 of the 1961 Vienna Convention on Diplomatic Relations.<sup>3/</sup> That being so, the Colombian delegation felt that it would be well to restrict the scope of immunity from civil and administrative jurisdiction.

19. Of the two amendments submitted, the first by the Chilean delegation (A/C.6/L.729) and the other by the French delegation (A/C.6/L.709), it preferred the former as being more moderate. With regard to the relevant Netherlands sub-amendment (A/C.6/L.731), which in principle he found worth while, the Chilean representative would have to make known his views on the subject.

20. Mr. DARWIN (United Kingdom) said that he would confine his comments to articles 29 and 31, reserving the right to return later to article 30. Articles 29 and 31, coming immediately after the articles on the inviolability and exemption from taxation of the premises of the special mission, were particularly important, because they dealt with the privileges and immunities to be granted to the representatives of the sending State and to the members of the diplomatic staff of the special mission.

<sup>1/</sup> See *Yearbook of the International Law Commission*, 1965, vol. II (United Nations publication, Sales No.: 66.V.2), document A/CN.4/179, p. 132.

<sup>2/</sup> *Ibid.*, vol. I (United Nations publication, Sales No.: 66.V.1), 807th meeting, para. 65.

<sup>3/</sup> See *Yearbook of the International Law Commission*, 1967, vol. I (United Nations publication, Sales No.: E.68.V.1), 917th meeting, para. 61.

21. His delegation considered that the starting point must be the principle that every State had the sovereign right to legislate for matters within its own territory, and that any exceptions to that rule should be made only for very clear and valid reasons. That viewpoint was shared by a considerable number of countries, which agreed in recognizing that no derogations should be made from the rule of law unless they were fully justified. As the Expert Consultant had pointed out, there were instances of abuse of a special régime by the receiving State but there were also instances of the diplomatic staff of the sending State abusing their privileges. It was all the more necessary that the need for every element in a special régime should be clearly shown. In the case of special missions, the existing body of law and practice was as yet small, and the problems to which the institution gave rise were coming increasingly to the attention of experts in international law.

22. At the 1055th meeting, the United Kingdom delegation had proposed that a distinction should be drawn among special missions, and that the system proposed by the International Law Commission should be accorded to one group of missions. In the field of inviolability, however, the United Kingdom delegation had proposed that the diplomatic staff of all missions, and the leaders of other missions, should be given immunity from personal arrest and detention and, in respect of official acts, immunity from legal process of every kind. That proposal had not been accepted by the Committee, which now had before it the text prepared by the Commission and various amendments to it.

23. The United Kingdom delegation believed that the Commission had given too broad a scope to the provisions it had drafted, in what was a particularly difficult area. It would therefore support the French amendments to articles 29 and 31 (A/C.6/L.707/Rev.1, A/C.6/L.709), which proposed the granting of certain minimum rights, having in mind in particular the fact that article 50 would always permit the sending State and the receiving State to provide for more favourable treatment by means of an agreement. The United Kingdom would also support the Chilean amendment (A/C.6/L.729)—so brilliantly defended by the Colombian representative—because it proposed a desirable improvement to the text of article 31 as drafted by the Commission.

24. In conclusion, he expressed the hope that, in view of the importance of the articles under discussion, the members of the Committee would bear in mind the comments he had just made, which covered points of concern to a number of other delegations. He reserved the right to comment later on the other amendments that had been proposed.

25. Mr. NAINA MARIKAR (Ceylon) said that his delegation had always taken the view that there must not be too close an assimilation of special missions to permanent diplomatic missions in respect of privileges and immunities. Ceylon believed that such privileges and immunities should only be granted on the basis of functional necessity, in the light of the temporary character of special missions, their nature and the task they were to perform.

26. His delegation had studied the various amendments submitted and had listened carefully to the comments on them. It would not be able to support the French amendment (A/C.6/L.707/Rev.1), which raised problems of interpretation and application, but would vote for article 29 as drafted by the International Law Commission.

27. With respect to article 31, his delegation was in sympathy with the Chilean amendment (A/C.6/L.729) and the Netherlands sub-amendment (A/C.6/L.731) and would vote for them. If those amendments were not adopted, however, Ceylon would vote for article 31 in its present form.

28. Mr. ALCIVAR (Ecuador) said that, in his delegation's view, the articles under consideration constituted the essential element in the principles governing representation, which was characteristic both of permanent diplomatic missions and special missions. The personal inviolability of the diplomatic representative of a State was sacred, whether he was a member of a permanent mission, a special mission, or even a mission to an international organization, because it protected his independence. Any limitation of that inviolability was an encroachment on the sovereignty of the sending State, inasmuch as the actions committed by its representatives were left to the receiving State to categorize in accordance with its own legislation; it was unnecessary to point out the profound differences that existed between national legislations.

29. Similarly, Ecuador considered that, since it would be the receiving State that would decide if a given act was or was not performed in the exercise of official functions, the limiting of the immunity from jurisdiction to acts performed in the exercise of official functions might in practice lead to the denial of that immunity. Also, if there must be a choice between the risk of an abuse by the representative of the sending State and the risk of an abuse by the receiving State, there must be no hesitation in preferring the former, because in such a case the receiving State would always have the option of declaring the accused person *persona non grata*, and the sending State would undoubtedly impose on him the penalty he deserved.

30. For all those reasons, the delegation of Ecuador would not support any of the amendments proposed, but would vote without reservation for the existing text of articles 29 and 31.

31. Mr. PERSSON (Sweden) said that during the discussion on article 21 his delegation had said (1059th meeting) that it supported the system advocated by the United Kingdom in its amendments (A/C.6/L.697, A/C.6/L.698 and Corr. 1). The ensuing debate had shown that the establishment of a two-tier scheme of privileges and immunities as proposed in those amendments would in all probability have facilitated the Committee's work. His delegation had also made it clear that, if those amendments were not adopted, it would favour a limitation of the immunities and privileges to be accorded to the "standard" missions and would vote accordingly when articles 29, 30 and 31 were put to the vote. The Swedish view was that, as far as ministerial special missions were concerned, the Swedish Government would presumably make

ad hoc agreements to determine their status. With respect to the various texts before the Committee, he would confine himself to saying that his delegation wished to associate itself with the very valid arguments advanced by the Norwegian representative at the 1070th meeting.

32. Mr. DELEAU (France) said he wished to reply to some comments made on the amendments proposed by his delegation. Some delegations appeared to think that the Committee had to make a basic choice between applying to special missions the provisions either of the 1961 Vienna Convention on Diplomatic Relations or of the 1963 Convention on Consular Relations. That was not how the problem should be viewed, since the aim of the present discussion was to determine the scope of the privileges and immunities of special missions in terms of their own particular needs, and not to refer to any system already established.

33. With respect to article 29, his delegation had based its amendment (A/C.6/L.707/Rev.1) on the idea contained in paragraphs 1 and 2 of article 41 of the Convention on Consular Relations, without intending thereby to assimilate special missions to consulates in any general sense. The instruments in force on the question of privileges and immunities were so numerous that it would hardly be possible to avoid any resemblance to existing definitions. The amendment to article 31 (A/C.6/L.709) was based not only on the Convention on Consular Relations, but also on many other agreements such as those relating to the privileges and immunities of international organizations.

34. The French proposals, therefore, which in no way represented an organic whole, were intended only to make the text realistic by relating the privileges and immunities of special missions to their needs.

35. Mr. OSTROVSKY (Union of Soviet Socialist Republics) observed that the debate on articles 29 and 31 of the draft had shown that the differences of opinion were once again due to the fact that the participants were using the same terms with different meanings. Some delegations, such as that of France, referred to the Convention on Consular Relations, while others referred to the Convention on Diplomatic Relations, and the reason was that each had a different kind of special mission in mind.

36. His delegation could readily understand the apprehensions which prompted representatives such as those of France and the United Kingdom to seek to limit the immunities granted to the staff of special missions if the term included missions of a technical character. The problem was perhaps more difficult than the United Kingdom representative had indicated in his very clear statement. At the beginning of its history the Soviet State had received missions consisting not of diplomats but of persons sent to plot against it. But, despite some exceptions, the role of diplomacy, whether permanent or ad hoc, was to develop friendly relations between nations. That principle, which had been the basis of the 1961 United Nations Conference on Diplomatic Intercourse and Immunities, should be taken as the starting point in defining the status of special missions of a representative character.

The only essential difference between such missions and diplomatic missions was that they were temporary. They must therefore be accorded the broad privileges and immunities they needed to perform their functions, and the International Law Commission had been quite right in proposing in its draft immunities in keeping with the needs of the most general practice. Furthermore, a guarantee against possible abuses was provided by article 12 of the draft, under which a member of a special mission might be declared persona non grata.

37. His delegation could not support the amendments proposed by France (A/C.6/L.707/Rev.1, A/C.6/L.709), in view of the restrictions they would impose on the status of members of special missions. The Chilean amendment to article 31 (A/C.6/L.729), on the other hand, would in practice have the effect of placing the members of special missions on the same footing as the technical staff of diplomatic missions. That solution would be acceptable only in the case of missions which were themselves of a purely technical nature, for when a representative mission of a sending State consisted of persons of high rank, it would be out of the question to treat them like salesmen. That amendment was therefore also unacceptable to the Soviet Union.

38. In practice some countries, particularly Canada and the United Kingdom, tended increasingly to assimilate the protection accorded to members of the administrative staff to the protection enjoyed by diplomatic staff. It would be paradoxical, in his view, to reduce the status of members of special missions to the consular level, even if only with regard to immunity from jurisdiction, unless a careful distinction was made between different types of missions. But such a distinction was difficult to establish. The Committee had an important task to accomplish in that connexion, since it must find a generally acceptable solution to the problem of defining the term "special mission", which it had decided at the beginning of its work, at the Chairman's suggestion, to postpone. That procedure had quite rightly been followed at the Vienna Conferences, but the concepts discussed at that time had been clearer and more familiar to everyone than the wide variety covered by the term "special missions". He hoped that an understanding would be reached on the meaning of that term, in order to avoid the confusion that would surely arise if, after privileges and immunities had been defined, people did not know what cases they should be applied to.

39. His delegation's position on article 30 of the Commission's draft was the same as on articles 29 and 31.

40. Mr. REIS (United States of America) believed that it could not properly be suggested that any delegation was trying to reduce the rank of diplomats to that of, say, chauffeurs. It was true that, as the representative of the Soviet Union had said, the definition of "special missions" raised a difficult problem. The Expert Consultant had given detailed comments on that point. His delegation would have preferred to make article 1, sub-paragraph (a), more explicit, but recognized that it would be very difficult to add further specifications to the definition it contained. Many delegations would undoubtedly

object if it were proposed, for example, to state that the missions covered by the Convention must be not only representative and temporary but also "non-technical" in character, since in their view such a statement would fail to take account of the great diversity of types of special missions. Since the difficulty still remained, the Committee would have to solve the problems raised by articles 29 and 31 on the basis of the definition of special missions as formulated by the International Law Commission.

41. In the light of the debate, his delegation believed that the Chilean amendment (A/C.6/L.729) was most closely in keeping with the spirit of compromise which had traditionally guided the Committee. He believed that the two extreme approaches adopted in the Committee could be reconciled on the basis of that amendment, and he therefore hoped that it would be given careful consideration.

42. Mr. SIYOLWE (Zambia) objected on several grounds to the French amendment to article 29 (A/C.6/L.707/Rev.1). First, the amendment might require the Committee to specify the kind of offences for which members of special missions could be arrested or placed under preventive detention and to set up a classification to determine which offences were serious and which were not. Secondly, the reference to a competent judicial authority raised doubts about the extent of the protection special missions could expect from the receiving State, since every State regarded its own judicial authorities as competent. His delegation therefore could not support paragraphs 2 and 3 of the French amendment.

43. With regard to immunity from jurisdiction, his delegation would like to keep article 31 as formulated by the International Law Commission. Paragraph 1 of the article might, however, be supplemented by a provision reading: "This immunity from the criminal jurisdiction of the receiving State may, by agreement, be waived in cases where serious crime is committed by a representative or a member of the special mission." The agreement in question would be concluded between the receiving State and the sending State under the conditions laid down in articles 41 and 42 of the draft.

44. His delegation would not support the Chilean and French amendments to article 31 (A/C.6/L.729, A/C.6/L.709), since it did not believe that they would be an improvement on the present text.

45. Mr. SANCHEZ CABRAL (Dominican Republic) said that his delegation fully agreed with the Ecuadorian representative's statement, which was very much to the point in every respect, and therefore could not support any of the amendments to articles 29 and 31.

46. Jonkheer van PANHUYS (Netherlands), adding to the statement made by his delegation at the 1070th meeting, said that he associated himself with the comments made by the United Kingdom representative on the desirability of limiting immunity from jurisdiction in the case of certain special missions.

47. As he had already indicated in the debate on article 21 (1059th meeting), he believed that if the

convention was to apply only to a particular category of special missions, that category would have to be more precisely defined. However, there were good reasons, as the United States representative had stated, for not changing the existing definition. In the circumstances, his delegation was prepared to support the two French amendments (A/C.6/L.707/Rev.1, A/C.6/L.709). If the French amendment to article 31 (A/C.6/L.709) was not approved, his delegation would be prepared to support the Chilean amendment (A/C.6/L.729) with its own sub-amendment (A/C.6/L.731).

48. His delegation had carefully noted the comments made about its sub-amendments (A/C.6/L.730, A/C.6/L.731). In particular, the Nigerian representative had held (1070th meeting) that they might duplicate the provisions of articles 41 and 42 of the draft Convention, which would enable the sending State to waive its staff's immunity from jurisdiction in the case of automobile accidents. Also, the Czechoslovak representative had considered the sub-amendments unnecessary in the light of article 44 (see para. 13 above). Nevertheless, his delegation preferred to maintain its proposal, which applied to civil actions arising out of such accidents, not only from those occurring outside the exercise of the official functions of the person responsible, in accordance with a principle which had been the subject of a recommendation made by the 1961 United Nations Conference on Diplomatic Intercourse and Immunities<sup>4/</sup> and which the Vienna Conference of 1963 had, in fact, included in article 43, paragraph 2 (b), of its Convention on Consular Relations. If the victim of an automobile accident had to rely on his own country's authorities to intercede with the sending State, he might encounter endless difficulties.

49. He saw no reason to adopt the Spanish representative's suggestion that the question be referred to a special conference for consideration because of its complexity. The judicious solution adopted in the Convention on Consular Relations could be applied perfectly well to special missions. In any event, his delegation would be prepared to accept any formal improvement to the wording of its sub-amendments.

50. Mr. KASEMSRI (Thailand) agreed with the USSR delegation's comments concerning the difficulties raised by the problem of the definition of special missions and said that, pending a satisfactory solution of that problem, he would abstain from voting on the proposals concerning the immunities and privileges of individuals constituting the staff of those missions. Thailand accorded a high standing to missions as such and to the persons of high rank comprising them; it had received many special missions in its territory, either as host State or as receiving State, and had always granted full enjoyment of rights to them and to their staff.

*The meeting rose at 1 p.m.*

<sup>4/</sup> See United Nations Conference on Diplomatic Intercourse and Immunities, Official Records, vol. II (United Nations publication, Sales No.: 62.X.1), document A/CONF.20/10/Add.1, resolution II, p. 90.