



CONTENTS

	Page
Agenda item 87:	
Draft Convention on Special Missions ( <i>continued</i> ) . . . . .	221

**Chairman: Mr. Gonzalo ALCÍVAR (Ecuador).**

*In the absence of the Chairman, Mr. Engo (Cameroon),  
Vice-Chairman, took the Chair.*

**AGENDA ITEM 87**

**Draft Convention on Special Missions (*continued*)  
(A/6709/Rev.1 and Corr.1, A/7375; A/C.6/L.745 and  
Corr.1, A/C.6/L.747, A/C.6/L.751/Add.2 and Corr.1,  
A/C.6/L.751/Add.3 and Corr.1)**

*Article 51 (Settlement of disputes) (continued)  
(A/C.6/L.766, A/C.6/L.769 and Add.1)*

1. Mr. CANDIOTI (Argentina) said that at the 1146th meeting he had voted against the Swiss amendment (A/C.6/L.766) and for the sub-amendment (A/C.6/L.769 and Add.1), because he saw no reason in the case of the draft Convention under consideration to abandon the solution adopted for the 1961 and 1963 Vienna Conventions on Diplomatic and Consular Relations, namely, the expedient of an optional protocol.

2. Mr. VALLARTA (Mexico) said he had voted in favour of the Swiss amendment and then, when it had been rejected, in favour of the sub-amendment. Mexico had declared that it recognized as compulsory the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court; however, that declaration, dated 28 October 1967, excluded disputes which, in the opinion of the Mexican Government, were within its domestic jurisdiction. Having that consideration in mind, the Mexican delegation had been able to vote in favour of the Swiss amendment and the sub-amendment.

3. Mr. CHAILA (Zambia) explained that his delegation had become a sponsor of the sub-amendment because it felt that, when provision had to be made for the settlement of disputes, an optional protocol was the solution most likely to command the support of the majority of States and thus facilitate acceptance of the draft Convention as a whole. However, that attitude in no way prejudged the decision which his Government would take concerning the signature and ratification of the optional protocol or accession to that instrument.

4. Mr. MOE (Barbados) said he had voted in favour of the Swiss amendment and then of the sub-amendment, because his Government considered that the International Court of Justice was competent to hear any dispute arising out of the application or interpretation of a convention. He understood, however, the fears expressed by certain delegations about the inclusion, in an instrument concerning special missions, of a compulsory provision on the settlement of disputes. That was why, although it would have preferred the solution proposed in the Swiss amendment, his delegation had nevertheless been able to vote for the sub-amendment.

5. Mr. ROBERTSON (Canada) said his delegation had always thought that the proposal described as a sub-amendment to the Swiss amendment in fact constituted a proposal which was quite different in substance; consequently, if the sub-amendment had been put to the vote before the Swiss amendment, as had been decided by the Sixth Committee on 7 November 1969 (1145th meeting), his delegation would have cast a negative vote. Since, however, the sponsors of the sub-amendment had agreed to reconsider their position and the Sixth Committee had decided to reverse its decision concerning the order in which the proposals would be put to the vote, Canada had been able to vote for both of them.

6. Mr. SAHOVIĆ (Yugoslavia) said that his delegation had always taken the majority view into account when deciding on procedural and substantive matters on which a vote was taken in the Committee. Since, moreover, it considered that the optional protocol system used for the Vienna Conventions on Diplomatic and Consular Relations provided a precedent which could be a useful model for the Convention under consideration, it had become a sponsor of the sub-amendment and had therefore been unable to vote for the Swiss amendment.

7. Mr. MOLINA (Venezuela) stated that he had voted for the sub-amendment but against the Swiss amendment because, as a general rule, his country did not accept the principle of the compulsory jurisdiction of the International Court of Justice for the settlement of international disputes. The provisions contained in the optional protocol actually seemed to impose the jurisdiction of the International Court of Justice on any State which would not agree to resort to an arbitral tribunal or to a conciliation commission for the settlement of a dispute that might arise with another State. His vote in favour of the sub-amendment in no way prejudged the final decision which his Government would take on the subject of the optional protocol.

8. Mr. MONTENEGRO MEDRANO (Nicaragua) stated that, had he been present during the vote at the 1146th meeting, he would have voted for the sub-amendment.

9. Mr. KHASHBAT (Mongolia) thought that every State should be able, in each specific case, to choose the method of settling disputes which it considered to be the correct one. For its part, the Mongolian delegation thought that, in the existing state of international relations, arbitration was the method by which a dispute between two States could be most equitably settled. Since the provisions of Article 36 of the Statute of the International Court of Justice were based on the concept of the parties' consent, his delegation could not accept the inclusion in the draft Convention on Special Missions of a provision providing for the compulsory jurisdiction of the Court in the event of a dispute. On the other hand, it thought that the sub-amendment offered a practical and realistic solution. It had therefore supported it, although its vote should not be construed as prejudging the decisions which the Mongolian Government would, when appropriate, adopt in connexion with any disputes between Mongolia and other States which might arise out of the application or interpretation of the future Convention.

10. Mr. UOMOTO (Japan) explained that he had voted for the sub-amendment, although he considered that the machinery proposed therein was not sufficiently effective and that it would have been preferable to adopt the solution of the Swiss amendment—the compulsory jurisdiction of the International Court of Justice.

11. Mr. ALLOTT (United Kingdom) said he had voted for the Swiss amendment and for the sub-amendment, although he thought that an optional protocol concerning the settlement of disputes to be annexed to the future Convention, was no substitute for an article on the subject in the actual Convention, precisely because of the optional nature of the protocol. He had been glad, however, to note during the debate that most delegations had attached great importance to the problem of the settlement of disputes, which led him to hope that it would be possible in the future to arrive at a positive solution.

12. Mr. GABOU (Congo, Brazzaville) said that, before explaining his vote on the Swiss amendment and the sub-amendment, he wished to recall that his country was a party to the Statute of the International Court of Justice. That did not prevent it from being strongly attached to its sovereignty which, moreover, was in no way diminished as a result, since under Article 36 of the Statute the Court had jurisdiction only if the parties specifically submitted a dispute to it, and then its jurisdiction only extended to that particular dispute.

13. His delegation had noted that the text proposed by Switzerland would have made the jurisdiction of the International Court of Justice compulsory in disputes arising out of the application or interpretation of the future Convention on Special Missions. While paragraphs 2 and 3 of the text seemed to mitigate the severity of that provision, the short time allowed for States to resort to arbitration or conciliation nevertheless tended to preclude the use of those procedures. In support of his proposal, the Observer for Switzerland had remarked (1143rd meeting) among other points that disputes should be depoliticized, that the small States had a champion of their interests in the International Court of Justice and, lastly, that conventions similar to the future Convention on Special Missions

provided for machinery for the peaceful settlement of disputes. In answer to the first argument, he pointed out that the Court was not an apolitical institution; that had been proved by the decision which it had handed down in the South-West Africa cases and which had shocked public opinion the world over. So far as the second argument was concerned, he wondered how the interests of the small States could be protected when the covert political influence of certain Powers was being brought to bear on the International Court of Justice. In addition, it was extremely costly to bring a dispute before that organ. His country therefore preferred to use the machinery for the peaceful settlement of disputes set up by the Organization of African Unity. Lastly, with regard to the argument concerning State practice, he considered that, even if such practice existed, it did not seem advisable to endorse it in the future Convention on Special Missions; the Committee was trying to produce an instrument which would command widespread support, and the insertion of article 51 proposed by Switzerland would force a number of States to reject the Convention as a whole. For all those reasons, his delegation had voted against the Swiss amendment.

14. It had abstained in the vote on the sub-amendment, because of its reservations about the optional protocol which not only did not touch on the basic problem of the compulsory jurisdiction of the Court but also did not entirely solve the problem of sovereignty which arose. The attitude which his country would finally adopt towards the protocol would not affect its position with regard to the future Convention, since the two instruments were quite separate.

*Article O (Conferences) (continued) (A/C.6/L.745/Corr.1)*

15. Mr. ALLOTT (United Kingdom) said that the informal consultations concerning article O proposed by the United Kingdom (see A/C.6/L.745/Corr.1) were unfortunately not yet over. However, he wished to state that his delegation would not ask for a vote on the proposed text and would accept, in place of that article, the inclusion in the Sixth Committee's report of certain comments on international conferences. Those comments should particularly emphasize that the lack of any rules governing the legal status and the privileges and immunities of the members of delegations to and the secretariat of international conferences represented a gap in international law which should be filled as rapidly as possible. For that purpose, it might be useful to take into consideration certain precedents such as the conventions on the privileges and immunities of international organizations, the Vienna Conventions on Diplomatic and Consular Relations and the draft Convention that was now being debated. It should also be borne in mind that the International Law Commission's Special Rapporteur on relations between States and international organizations had announced his intention of including provisions governing the status of delegations to international conferences in the draft articles on representatives of States to international organizations. Finally, the Sixth Committee should also note that the International Law Commission had considered, and would again consider at its next session, the possibility of doing further work in that field (see A/7610 and Corr.1, para. 17), taking account of the comments made in the relevant Sixth Committee discussions at the twenty-fourth session of the General Assembly.

16. The CHAIRMAN invited the Committee to consider the texts adopted by the Drafting Committee for articles 40, 41 and 43 to 50.

*Article 40 (Nationals of the receiving State and persons permanently resident in the receiving State) (A/C.6/L.751/Add.2 and Corr.1)*

17. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that article 40 of the draft prepared by the International Law Commission was modelled on article 38 of the Vienna Convention on Diplomatic Relations. The English, Russian and Spanish texts of paragraph 1 of article 38 provided that a diplomatic agent who was a national of or permanently resident in the receiving State enjoyed "only" immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions. On the other hand, the French text of that paragraph provided that the diplomatic agent in question enjoyed immunity from jurisdiction and inviolability "only" in respect of official acts performed in the exercise of his functions. Thus, the French text contained an error of syntax due to the misplacement of the word "que".

18. That mistake also appeared in the French text of article 40, paragraph 1, of the draft Convention on Special Missions. The Spanish text of that paragraph was correct. The English and Russian texts, however, contained the same error of syntax as the French text, despite the fact that it did not appear in the corresponding provisions of the Vienna Convention.

19. On the basis of the two amendments (A/C.6/L.702, A/C.6/L.715) that had been referred to it by the Sixth Committee, the Drafting Committee had corrected that error of syntax in the English, French and Russian texts of article 40, paragraph 1. In the French text, it had deleted the word "que" before the words "*pour les actes officiels accomplis dans l'exercice de leurs fonctions*" and had inserted it before the words "*de l'immunité de juridiction et de l'inviolabilité*". In the English text, the Drafting Committee had placed the word "only" between the words "shall enjoy" and "immunity from jurisdiction and inviolability". It had also amended the Russian text accordingly.

20. With regard to the English text of article 40, paragraph 1, the Drafting Committee had also adopted the United Kingdom amendment (A/C.6/L.702) whereby, for the sake of clarity, the expression "that State" was replaced by the words "the receiving State".

21. The CHAIRMAN said that, if there was no objection, he would take it that the Sixth Committee adopted article 40 as worded by the Drafting Committee.

*Article 40 was adopted.*

*Article 41 (Waiver of immunity) (A/C.6/L.751/Add.2 and Corr.1)*

22. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that in paragraph 3 of article 41 the Committee had, for stylistic reasons, replaced the phrase "one of the persons referred to in paragraph 1" by the words "any of the persons referred to in paragraph 1". That

amendment applied to all the texts drawn up in the four working languages.

23. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted article 41 as worded by the Drafting Committee.

*Article 41 was adopted.*

*Article 43 (Transit through the territory of a third State) (A/C.6/L.751/Add.2 and Corr.1)*

24. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that the Drafting Committee had made two amendments to article 43, both of which applied to all the texts drafted in the four working languages. The first related to the first sentence of paragraph 1, in which the Drafting Committee had replaced the words "or travelling separately" by the words "whether travelling with him or travelling separately". The purpose of that amendment was to make it clear that the word "accompanying" covered the case of a family member travelling separately from the member of the special mission, as had been said in connexion with article 39.

25. The second amendment related to paragraph 3 of article 43. That sentence reproduced, *mutatis mutandis*, a provision of article 40, paragraph 3, of the Vienna Convention on Diplomatic Relations. The Drafting Committee had felt that that provision meant that a third State should accord the same freedom and protection as the receiving State was required to accord under the relevant provisions of the Convention. Taking article 54 of the Vienna Convention on Consular Relations as a model, the Drafting Committee had preferred to make the matter explicit in the draft Convention on Special Missions. It had therefore added, at the end of the first sentence of paragraph 3 of article 43, the words "is bound to accord under the present Convention". It had added the same words at the end of the second sentence of that paragraph.

26. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted article 43 as worded by the Drafting Committee.

*Article 43 was adopted.*

*Mr. Alcívar (Ecuador) took the Chair.*

*Article 44 (Duration of privileges and immunities) (A/C.6/L.751/Add.3)*

27. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that in the text drawn up by the International Law Commission the subject of the sentence which constituted the first paragraph was: "Every person entitled to privileges and immunities". That expression covered not only the members of the special mission but also the members of their families and private staff. However, it was qualified by the words "for the purpose of performing his functions in the special mission", so that, actually, the paragraph could be applied only to the members of the special mission. For that reason, the Drafting Committee had replaced that expression by the words "Every member of the special mission". That change

had necessitated drafting amendments in other parts of the article. As a consequence, the Drafting Committee had also replaced the expression “a person enjoying privileges and immunities” in paragraph 2, by the words “a member of the special mission”.

28. The Drafting Committee realized that those changes reduced the scope of the first two paragraphs of article 44 by restricting it to members of a special mission. However, it had taken the view that the restriction did not affect the balance of the draft. In fact, the provisions relating to family members and private staff made it possible to determine the duration of the privileges and immunities accorded to them.

29. With regard to article 44, paragraph 3, the Sixth Committee had referred to the Drafting Committee a Belgian amendment whereby either the paragraph would become paragraph 1 of article 45, with a different heading, or articles 44 and 45 would be combined as a single article. The Drafting Committee had noted that article 45 dealt not with the general question of the juridical consequences of the death of a member of the special mission but with clearly defined questions concerning the property of the deceased. Paragraph 3 of article 44 related to the effects of the death of a member of the special mission on the duration of the privileges and immunities accorded to his family. It was therefore quite appropriate to include it in an article dealing with the duration of privileges and immunities.

30. Also in connexion with paragraph 3 of article 44, some delegations had suggested that the expression “the members of his family” should be circumscribed by adding either a qualification of the type contained in article 39 or a reference to that provision. The Drafting Committee had felt that the limitation suggested was already included in the present text of paragraph 3 in the form of the expression “privileges and immunities to which they (i.e., the members of the family) are entitled”. It had therefore not adopted that suggestion.

31. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted article 44 as worded by the Drafting Committee.

*Article 44 was adopted.*

*Article 45 (Property of a member of the special mission or of a member of his family in the event of death) (A/C.6/L.751/Add.3)*

32. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that in article 45 the Drafting Committee had made two changes suggested by certain delegations, both relating to paragraph 1.

33. First, the Drafting Committee had added the expression “accompanying him” to the expression “a member of his family”. That change, which applied to the text in each of the working languages, was made in order to state one of the two conditions stipulated in article 39 for the granting of privileges and immunities to family members. The other condition, relating to nationality and residence, was already expressed in article 45, paragraph 1.

34. The second change applied only to the French text of article 45, paragraph 1. In order to make the text conform to the text of article 39, paragraph 4, of the Vienna Convention on Diplomatic Relations and at the same time maintain the correct sequence of tenses, the Drafting Committee had replaced the words “*qui avaient été acquis*” by the words “*qui auront été acquis*”. For similar reasons, it had replaced the word “*faisaient*” in the last clause of the paragraph by the word “*font*”.

35. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted article 45 as worded by the Drafting Committee.

*Article 45 was adopted.*

*Article 46 (Right to leave the territory of the receiving State) (A/C.6/L.751/Add.3)*

36. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that the Drafting Committee had made no changes in article 46. It had taken note of some delegations' criticisms of the expression “at the earliest possible moment” in the English text at the end of the first sentence of paragraph 1. However, it had felt that the expression should be retained because it had already been used in the two Vienna Conventions and had thus been sanctioned by usage. The suggestions concerning the title of the article would be considered when the Drafting Committee took up all the titles used in the draft Convention.

37. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted article 46 as worded by the Drafting Committee.

*Article 46 was adopted.*

*Article 47 (Consequences of the cessation of the functions of the special mission) (A/C.6/L.751/Add.3)*

38. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that in article 47 the Drafting Committee had made only one change, which applied only to the English text. In the first sentence of paragraph 1, the word “allocated” had been replaced by the word “assigned” in order to make the texts in the different working languages agree more closely.

39. With regard to the first sentence of paragraph 1, the Drafting Committee wished to emphasize that in the event of the departure of the special mission, there was good reason to regard its premises as being “assigned” to it, within the meaning of article 47, during such time as the property and archives of the mission were there. That interpretation was confirmed by article 26, which stated that the archives and documents of the special mission were inviolable “at any time and wherever they may be”. The receiving State's obligation under the first sentence of article 47, paragraph 1, to respect and protect the property and archives was matched by a corresponding obligation of the sending State, under the second sentence of the paragraph, to withdraw that property and those archives. The withdrawal might be effected either directly by the sending State or through a third State.

40. With regard to article 47, paragraph 2, the Drafting Committee had not adopted the suggestion of some delegations that the words "the premises, together with" should be added after the words "entrust the custody of". It was true that article 45, sub-paragraph (b), of the Vienna Convention on Diplomatic Relations stated that the sending State might entrust the custody of the premises of the diplomatic mission to a third State acceptable to the receiving State. However, the Drafting Committee had felt that the inclusion of such a provision in a convention on special missions would hardly be justified, in view of the essentially temporary nature of those missions.

41. Mr. DADZIE (Ghana) said that he regretted the replacement of the word "allocated" by the word "assigned", since he was not certain that the two words meant the same thing.

42. Mr. ALLOTT (United Kingdom) acknowledged that the word "assigned" was not ideal but said that it had been impossible to find a better word. The purpose of replacing the word "allocated" by the word "assigned" had been to avoid giving the impression that it was the receiving State which furnished premises for the special mission.

43. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted article 47 as worded by the Drafting Committee.

*Article 47 was adopted.*

*Article 48 (Obligation to respect the laws and regulations of the receiving State) (A/C.6/L.751/Add.3)*

44. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that with regard to article 48 the Drafting Committee had confined itself to replacing the expression "the present articles" by the expression "the present Convention".

45. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted article 48 as worded by the Drafting Committee.

*Article 48 was adopted.*

*Article 49 (Professional activity) (A/C.6/L.751/Add.3)*

46. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that the Drafting Committee had made no changes in article 49.

47. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted article 49 as worded by the Drafting Committee.

*Article 49 was adopted.*

*Article 50 (Non-discrimination) (A/C.6/L.751/Add.3 and Corr.1)*

48. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that with regard to article 50 the Drafting Committee had first considered a suggestion by the Austrian representative concerning the entire text for the

article introduced by the Italian delegation (A/C.6/L.767) and approved by the Sixth Committee at its 1141st meeting. That suggestion had offered a choice between two versions. The first version would have divided the article into two provisions, one dealing with non-discrimination and the other with the relationships between the Convention under consideration and other agreements concluded on the subject. The Drafting Committee had not accepted that version, which, it believed, would have had the effect of making article 50 go beyond the sphere of non-discrimination and would therefore have affected the substance of the provision. In the second version, the article would be retained in its existing form but its title would be changed. The Drafting Committee would consider that version when it examined all the titles used in the draft Convention.

49. The Drafting Committee had next considered a suggestion from the Iraqi representative that in article 50, paragraph 2 (b), the words "in order to increase or reduce them" should be added after the words "for their special missions". The Drafting Committee had unanimously agreed that the idea embodied in the suggestion was a fair one and conformed to the spirit of article 50. It had, however, felt that there was no need to add the suggested words, since the meaning of the verb "modify" was very broad, covering both increases and reductions.

50. The Drafting Committee also had not adopted the Greek representative's suggestion that the words "although such a modification has not been agreed with other States" be deleted from paragraph 2 (b). It had felt that if the suggestion was adopted, paragraph 2 (b) would no longer deal with the problem of non-discrimination.

51. The Guatemalan representative had also made a suggestion to the Drafting Committee concerning the Spanish text of article 50. In considering that suggestion, the Drafting Committee had found that the Spanish text, as well as some texts in other languages, did not always conform to the terminology of article 41 of the Vienna Convention on the Law of Treaties, although that terminology had been used in some passages of the original version, drafted in French. The Drafting Committee had therefore restored that terminology in the text in each of the working languages. In addition, it had replaced the expression "the present articles" by the expression "the present Convention".

52. The Drafting Committee had considered a suggestion by the representative of Tunisia that the expression "the extent of facilities, privileges and immunities for their special missions", in paragraph 2 (b), should be replaced by the words "one or more of the provisions of the present Convention". It had initially adopted that suggestion (see A/C.6/L.751/Add.3), because it had felt that there was a danger that the words "facilities, privileges and immunities" might lead to an interpretation—admittedly too literal and too narrow, but still possible—whereby the scope of paragraph 2 (b) would be limited to part II of the draft, entitled "Facilities, privileges and immunities". The Drafting Committee had felt that such an interpretation would be undesirable, bearing in mind that some provisions of part I, for example article 19, related to the privileges and immunities of special missions. The Drafting Committee had subsequently reconsidered its decision, because it had



noted that, as a result of the change, the scope of paragraph 2 (b) had been extended to all provisions of the draft, including article 1. Since that, too, was hardly desirable, it had decided, first, to redraft the text of article 50 as approved by the Sixth Committee, by deleting the change suggested by the Tunisian delegation (see A/C.6/L.751/Add.3/Corr.1) and, secondly, to request the Sixth Committee to decide that the draft Convention should not be divided into parts. The Drafting Committee was aware that the question of titles had not yet been discussed, but felt that a decision on that particular point should be taken forthwith.

53. During its reconsideration of the matter, the Drafting Committee had also considered a suggestion to the effect that the adverb “reciprocally”, which appeared in the International Law Commission’s text, should be inserted in paragraph 2 (b). The Drafting Committee had felt that there was no need to insert that adverb in the new text, since the idea of reciprocity was already adequately expressed by the words “where States modify among themselves”.

54. Mr. ROMPANI (Uruguay) said that he supported the text of article 50 submitted by the Drafting Committee, although he wished that it had been specified in paragraph 2 (b) whether the modification was designed to “increase” or to “decrease” the facilities, privileges and immunities of special missions. The verb “modify” could also mean to “replace” or “abolish”.

55. Mr. VRANKEN (Belgium) said that the Drafting Committee’s decision not to retain the Tunisian suggestion was regrettable for two reasons. First, by that decision it had made article 50 deviate from article 47 of the Vienna Convention on Diplomatic Relations, paragraph 2 of which applied to all provisions of that Convention; since the future Convention on Special Missions was intended to complement the Vienna Convention on Diplomatic Relations, it seemed obvious that it should follow that model as closely as possible. Secondly, the wording of article 50 could lead to a contradiction between the first and last phrases of paragraph 2 (b) of that article; it was possible that States would modify provisions of the future Convention other than those relating to the facilities, privileges and immunities of special missions and that such a modification would prejudice the enjoyment of the rights or the performance of the obligations of third States.

56. In view of the observations made by the representative of Belgium, the CHAIRMAN put to the vote article 50, as worded by the Drafting Committee.

*Article 50, as drafted by the Drafting Committee, was adopted by 80 votes to none, with 7 abstentions.*

57. Mr. VRANKEN (Belgium) explained that he had not voted against article 50 as worded by the Drafting Committee, because he did not wish to impede the progress of the Sixth Committee’s work; however, he had abstained, for the reasons he had given before the vote. In his view, the scope of article 50 should have been extended to all provisions of the future Convention, in other words to all articles except article 1.

58. Mr. SANTISO GALVEZ (Guatemala) recalled that during the debate on the International Law Commission’s text of article 50, his delegation had observed that the adoption of paragraph 2 (c) of that text might render the whole Convention meaningless. It had also felt that the text introduced by Italy was not a drafting change but a substantive amendment; the Sixth Committee had decided otherwise, however, and his delegation had accepted that decision. He nevertheless wished to reiterate that, in his delegation’s view, paragraph 2 (b) of article 50, which, as worded by the Drafting Committee, contained the word “modification”, could not be used in such a way as to abolish all privileges and immunities. His delegation had voted in favour of article 50 on that understanding.

59. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, proposed, on behalf of that Committee, that the draft should not be divided into parts. Although the question of titles had not yet been discussed by the Sixth Committee, the Drafting Committee felt that the subject should be taken up forthwith.

60. Mr. SECARIN (Romania) said that, while the 1961 Vienna Convention on Diplomatic Relations, on which the draft Convention on Special Missions was based, was not divided into parts, the Conventions subsequently drawn up by the International Law Commission were so divided; the 1963 Vienna Convention on Consular Relations and the 1969 Vienna Convention on the Law of Treaties were cases in point. Apart from the fact that the division into parts was useful in the Commission’s codification work, his delegation felt that in general it assisted in the interpretation of conventions and treaties and that the general rule that any provision of a treaty or a convention should be interpreted in good faith, with due regard to its other provisions, prevented any problems from arising in that respect. His delegation did not wish to adopt a rigid position on the subject, but felt that there was no reason why the draft Convention should not be divided into parts.

61. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, pointed out that titles could sometimes give rise to problems of interpretation. For example, part II of the draft Convention was entitled “Facilities, privileges and immunities”; since article 50 provided for modification of the extent of the facilities, privileges and immunities of special missions, a somewhat strict interpretation of that article would be that its scope did not extend to any provision relating to facilities, privileges and immunities which was not contained in part II. It was primarily with a view to facilitating the application of article 50 that the Drafting Committee had felt it should request that the draft should not be divided into parts. Since the Drafting Committee’s decision on the wording of article 50 had been indissolubly linked to the proposal that the draft should not be divided into parts, he requested the representative of Romania not to press his view.

62. Mr. ROMPANI (Uruguay) felt that if the Sixth Committee decided to delete the titles of the parts of the draft on the grounds that they might create problems of interpretation, it would have to do the same with the titles of the articles themselves. In his view, none of the titles served any purpose; they could only create problems. The title of each article should summarize its contents. How-

ever, paragraph 2 of article 48, which was entitled "Obligation to respect the laws and regulations of the receiving State", related not to the laws and regulations of the receiving State but to the rules of general international law and special agreements in force between the sending and the receiving State; there was, therefore, a discrepancy between the title of that article and its contents. He therefore felt that there might be grounds for deleting all titles, of both parts and articles.

63. Mr. SECARIN (Romania) said that he was satisfied with the explanation given by the Chairman of the Drafting Committee. In order to facilitate the Sixth Committee's

work, he was prepared to agree to the draft Convention not being divided into parts.

64. The CHAIRMAN said that, if there were no objections, he would take it that the Committee accepted the proposal of the Chairman of the Drafting Committee that the draft Convention on Special Missions should not be divided into parts.

*It was so decided.*

*The meeting rose at 12.55 p.m.*