

1579th meeting

Wednesday, 3 December 1975, at 11 a.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1579

AGENDA ITEM 115

Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and measures to increase the number of parties to the Convention (continued) (A/C.6/L.1031)

1. Mr. JACHEK (Czechoslovakia) said that, despite the large number of ratifications of or accessions to the Vienna Convention on Diplomatic Relations of 1961, there were still many countries which had not become parties to the Convention. It was known that instances of violations of the Convention occurred, either because diplomatic representatives misused it for purposes which did not promote the development of friendly relations among States or because there were other violations of the provisions of the Convention—for example, those concerning freedom of communication of diplomatic missions and inviolability of diplomatic couriers and diplomatic correspondence. Numerous examples had been given at the preceding session of the General Assembly and at the current session. His delegation considered it extremely important and urgent to achieve universal participation in general multilateral agreements of the type of the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Convention on Special Missions and the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character. Those norms, together with the Charter, created the political and legal basis for international co-operation and its development in all areas of the life of the international community.

2. The United Nations should evaluate the experience acquired so far in the application of the Vienna Convention on Diplomatic Relations and adopt measures effectively to ensure the implementation of all its provisions. In that connexion, special attention should be paid to the question of diplomatic courier service, as well as the status and rights of diplomatic couriers and principles for the transport of diplomatic mail and baggage. In that regard, the Convention embodied correct principles, such as freedom of communication of the mission of the sending State for all official purposes, the right to use all means of communication, including diplomatic couriers and coded messages, the principle of the inviolability of diplomatic correspondence and its protection by the receiving State. Nevertheless, the Convention provided only the framework of regulations in that area of diplomatic activity and it was therefore necessary to have a detailed elaboration of those principles, for example in the form of a supplementary protocol to the Convention. The need for more detailed regulations was also illustrated by the fact that in the matter of courier services there were frequent violations of the Convention.

3. For those reasons, the Czechoslovak Government had welcomed the proposal made by the Soviet Union in

November 1974¹ that the United Nations should deal with the problems of the implementation of the provisions of the Convention and his delegation was sponsoring the draft resolution (A/C.6/L.1031) on the subject, which was designed to achieve a more detailed elaboration of the provisions of the Convention in the sphere where the existing provisions were rather too general and the practice of States indicated the need for more detailed work. His delegation expressed the hope that the draft resolution, which had been submitted in the interest of the strengthening of friendly co-operation among States and was designed to achieve a solution to the urgent problems which represented obstacles to that co-operation, would meet with wide support among Member States.

4. Mr. STEEL (United Kingdom) said that, although his delegation agreed with the general drift of the draft resolution that had been submitted, it had reservations on some of its provisions. For example, the second preambular paragraph appeared to make a distinction between the universally recognized principles and rules of international law and other principles and rules of international law. His delegation could not accept that distinction, since any principles and rules which were in fact principles and rules of international law should be observed. The third preambular paragraph gave rise to difficulty because of its reference to "the instances" of violations of the rules of diplomatic law. That seemed to imply that the sponsors of the draft resolution were referring to particular cases. These had not been identified, but in any case his delegation thought it would be better not to refer to particular instances. The word "the" should therefore be deleted. The fifth preambular paragraph contained an affirmation which the Sixth Committee was perhaps not in a position to accept without further study. It might be preferable to use a more tentative wording and refer to the advisability of studying the possibility of developing the provisions of the Vienna Convention. The United Kingdom Government, for its part, saw no need for further elaboration of the rules contained in article 27 of the Vienna Convention.

5. The comment which he had made on the second preambular paragraph also applied to operative paragraph 1. Operative paragraph 2 again suggested that there were specific instances of violations—a suggestion which his delegation considered to be unfortunate. With regard to operative paragraph 4, his delegation was puzzled about the contents of the report which the Secretary-General of the United Nations was requested to prepare. One obvious way to ensure the implementation of the provisions of the Vienna Convention that the report might recommend was accession to the Optional Protocol concerning the Compulsory Settlement of Disputes. But it was difficult to think

¹ See *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 122, document A/9745.

what other matters the report might cover. In any case, it would be more consistent with the practice of the Committee to invite comments from Member States before asking the Secretary-General to produce a report. With regard to operative paragraph 5, it was premature to invite the International Law Commission to study the elaboration of specific rules concerning the status of the diplomatic courier. Once again, it was not the usual practice to adopt such a procedure without first obtaining the comments of Member States. Although exceptions had been made to that practice, they had occurred in very special cases which were not analogous to the one under consideration.

6. His delegation was in sympathy with the general tenor of the draft resolution and of the statements made in support of it and suggested that further informal consultations should be held at the end of the general debate with a view to redrafting the text so as to facilitate acceptance of its provisions.

7. Mr. RASSOLKO (Byelorussian Soviet Socialist Republic) said that the principles of peaceful coexistence in relations between States with different social systems were reflected in the present state of relations between countries and in the conclusion of agreements of various types, as well as in détente. Those agreements included the Vienna Convention on Diplomatic Relations of 1961, which was clear proof that the codification and progressive development of international law was one of the most important activities of the United Nations. But it was not enough to formulate rules of international law; it was also essential to ensure that their provisions were strictly observed by all States. Although 114 States had become parties to the Convention, it could not yet be described as universal, although there were currently no obstacles standing in the way of its universality. He could not help but express concern at the violations of the provisions of that Convention committed by States which were not parties to it. For those reasons, the General Assembly should affirm in a resolution the need for States to comply strictly with the provisions of instruments which promoted the normalization of relations between States.

8. The 1961 Vienna Convention, like other instruments, failed to settle the status of the diplomatic courier. It was essential to draft a document on that subject, which in form and content could be an additional protocol to the 1961 Vienna Convention and should be based on its provisions at the same time that it should provide for the full range of privileges and immunities of diplomatic couriers and rationalize the procedures governing diplomatic correspondence. The drafting of such a document could be entrusted to the International Law Commission, which had the necessary experience. He felt that consideration of that matter should not be postponed and that the fears expressed by the United Kingdom representative were not justified. His delegation fully supported draft resolution A/C.6/L.1031, which could, he felt, be adopted by the Sixth Committee.

9. Mr. TIEN Chin (China) said that there were quite a number of international conventions regarding relations between countries and that the question of whether countries, particularly those which had recently achieved their liberation and independence, became parties to such

conventions was entirely a matter of their own sovereignty. Facts proved that whether a country respected the general norms of relations between States did not depend on its verbal assertions or on whether or not it had become a party to a given international convention; a judgement should rather be made on the basis of actions. If a country tried to make propaganda out of an international convention because of ulterior motives, that was, to say the least, not a proper attitude.

10. As for calling upon other countries with great fanfare to abide by an international convention while the country itself was committing acts which seriously violated that same international convention, that was even more an attitude of utter hypocrisy. Everyone remembered that, halfway through the previous session of the General Assembly, a certain country had submitted an item entitled "Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and measures to increase the number of parties to the Convention" as an important and urgent matter. It was clear to all that that kind of tactic had an ulterior motive. The country in question had thought that its purpose had been achieved, but its plan had not succeeded. Why was that country trying to make use of that item again at the present session? The reason was that in recent years the country concerned had been singing the praises of the "development of friendly and co-operative relations between countries" on the one hand while on the other hand, guided by its policy of expansion and aggression, some of its diplomatic personnel stationed in foreign countries were making flagrant use of diplomatic privileges to commit innumerable acts which violated the sovereignty and endangered the security of the receiving State. Many countries not only were fully aware of those acts but had publicly exposed them and had at the same time adopted forceful measures to defend their sovereignty and security. In those circumstances, the country in question was attempting in vain to make use of the item on diplomatic relations to whitewash its own inglorious acts. The result was that the more it tried to hide, the more it was exposed.

11. People could not help asking if that country, whose thinking was completely different from its verbal assertions, had the effrontery to talk about what it called "implementation of the Convention on Diplomatic Relations". Was that not making a mockery of the Convention and of the more than 100 countries represented in the Sixth Committee? His delegation felt that Governments should observe the general norms of relations between States but that the country to which he had just referred had no right to ask other countries to abide by the Convention on Diplomatic Relations. That country itself should be the first to observe the Convention.

12. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic) said he thought that the inclusion of the present item in the agenda of the thirtieth session was very timely and commended the Soviet delegation for taking the initiative in that regard. The Vienna Convention, which was one of the most important instruments of present-day international law, stated in its preamble that its purpose was to contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems. Observance of the Convention was

essential to the maintenance of normal relations between States. It was therefore unfortunate that, although more than 110 States were already parties to the Convention, the latter was not yet universal. In view of the importance of the Convention, his delegation felt that the General Assembly should urge those States which had not yet done so to accede to the Convention as soon as possible.

13. The Ukrainian SSR, which helped to draft the Convention and was a party to it, was concerned at the violations of the Convention being committed by some States which were parties to it. The development of relations between States would be better served if national norms reflecting the principles and norms of present-day diplomatic law were adopted and if favourable conditions were created for the exercise of the rights of foreign diplomats and the promotion of trade relations. His Government had done that in 1966 by enacting new legislation concerning diplomatic and consular missions.

14. The Vienna Convention, which had stood the test of time, did not require any changes other than those necessitated by the actual development of diplomatic law. His delegation supported the institution of the diplomatic courier and regretted the fact that it had not been recognized in the relevant conventions. Practical experience showed how important the courier was to the functioning of diplomatic missions. It was therefore time to regulate that institution and exempt couriers from customs inspections and personal searches. His delegation supported the proposal that the legal status of the diplomatic courier should be regulated by an additional protocol and felt that the International Law Commission was the body best suited to the task of drafting such a protocol. His delegation also agreed that the Secretary-General should prepare a report on ways and means to ensure the implementation by States of the provisions of the Convention and should submit it to the General Assembly at its thirty-first session.

15. He said that his delegation supported draft resolution A/C.6/L.1031.

16. Mr. ROSENSTOCK (United States of America) expressed high appreciation of the Vienna Convention for its exemplary codification of international diplomatic law and took the opportunity to praise once again the work of the International Law Commission. Since the Convention codified existing diplomatic law, it was not necessary for a State to be a party to it in order to be bound by it, but he nevertheless wished to emphasize the importance of obtaining ratification or accession by the largest possible number of States and urged those States which had not yet done so to submit their instruments of accession as soon as possible. He also appealed to States parties to the Convention to become parties to the Optional Protocol concerning the Compulsory Settlement of Disputes and stressed that this was the best way of ensuring application of the rules contained in the Convention.

17. He noted that privileges and immunities were granted not in order to benefit individuals but in order to ensure the efficient performance of the functions of diplomatic missions. Privileges and immunities were not intended to facilitate breaking the laws and regulations of host States. It would also seem reasonable for diplomatic representatives

to accommodate themselves to the greatest possible extent to rules, regulations and customs of the host country which were designed to provide needed security for foreign nationals. The body of law codified in the Vienna Convention included provisions which established clear obligations on the part of the receiving State with regard to diplomatic couriers and the diplomatic bag. His delegation did not believe that new texts were needed on those matters.

18. He expressed his delegation's belief that, with some modifications, the draft resolution could be adopted by consensus.

19. Mr. HAFIZ (Bangladesh) congratulated the delegation of the USSR for requesting the inclusion in the agenda of the item under discussion, which was of vital importance for the development of co-operation and friendly relations among States.

20. His delegation regretted that certain States which were parties to the Convention were violating its provisions and that others which were not parties to it were allowing activities in their countries which were incompatible with the functions of diplomatic missions. In order to avoid those violations it would be desirable that the greatest possible number of States should adhere to the Convention. Diplomatic privileges and immunities were awarded not for the benefit of individuals but to ensure the efficient functioning of diplomatic missions. He trusted that the latter would not use their premises in any way which was incompatible with their functions as enumerated in article 3 of the Convention.

21. His country adhered faithfully to the provisions of the Vienna Convention and accorded all representatives accredited to Bangladesh the privileges and immunities stipulated in the Convention. However, because of certain procedural questions it was not formally a party to the Convention. Since Pakistan was a party, the participation of Bangladesh would raise the broader question of State succession, which had been under consideration by the International Law Commission until 1974. Now that the Commission had adopted the final texts with regard to the matter, the requisite steps were being taken to enable Bangladesh to participate in all important multilateral treaties, including the Vienna Convention. His delegation would support any measure to ensure strict observance of the Vienna Convention and other universally recognized rules of international diplomatic law.

22. Mr. KRISPIS (Greece) said that the view of his delegation with respect to the item and the draft resolution under consideration coincided in principle with that expressed by the representative of the United Kingdom.

23. With reference to the second preambular paragraph and operative paragraph 1, he thought it should be sufficient to say that it was necessary to implement the rules of international law and the provisions of the Vienna Convention without any need to refer explicitly to the specific reasons for saying so. The third preambular paragraph and operative paragraph 2 should refer to "any violation" instead of "the instances of violations", since the latter would require clarifications. In operative paragraph 4, the request made to the Secretary-General would have to be

further clarified. As to operative paragraph 5, although he agreed that the International Law Commission was the appropriate body, he thought the invitation was premature.

24. He congratulated the Soviet delegation on its initiative in requesting the inclusion of the item in the agenda and said that he hoped it would be easy to find a text which could be adopted by consensus.

25. Mr. GODOY (Paraguay) said that while his delegation appreciated the importance of the diplomatic courier, it thought that the problem might not be a cause of special concern for the majority of countries and that perhaps the relevant provisions in article 27, paragraph 5, of the Vienna Convention were enough for the present. Therefore, he thought the preparation of a new document on the question was unnecessary. Furthermore, if the International Law Commission was given that task, it would be obliged to delay consideration of other more important questions.

26. With regard to operative paragraph 2 of the draft resolution, it seemed to him that if there was real concern over the instances of violations, the wording used was weak. He said that his delegation would be prepared to support the draft resolution if certain changes making it more realistic were introduced.

27. Mr. ENKHSАIKHАN (Mongolia), speaking in exercise of the right of reply, said that he wished to cite some examples of instances of violations of international diplomatic law experienced by his country:

28. The main function of diplomatic missions was to promote friendly relations between States. Without prejudice to their privileges and immunities, all diplomats had the obligation to respect the laws of the receiving State. Nevertheless, the Embassy of China in Ulan Bator was trying to make use of the 7,000 Chinese citizens living in Mongolia in its anti-Mongolian activities. Thus, the Second Secretary of that Embassy, addressing them in a meeting, had said that they should not be afraid to fight for their leaders' ideas and that the Mongolian and Soviet revisionists would be defeated. Similarly, the Chargé d'affaires of that same Embassy had said at a reception for 200 guests that they must not fear the Mongolians and must fight to disseminate the ideas of Chairman Mao.

29. According to contemporary international law, the premises of missions were inviolable, as were their means of transport. Nevertheless, in 1967 the Embassy of Mongolia in Peking had been besieged and assaulted by mobs and several Embassy cars with diplomatic licence plates had been damaged. The Ambassador's car had even been set afire and burned.

30. One of the main principles of contemporary international law was that of non-interference in the internal affairs of States. The strict observance of that principle was an essential condition for peaceful coexistence and any violation of it gave rise to situations that threatened international peace and security. Yet in 1967-1968 the Embassy of China in Ulan Bator had distributed more than 20,000 copies of 70 anti-Mongolian subversive pamphlets in Mongolia. In 1969 the number had risen to 30,000. As to

radio broadcasts, which constituted another means of ideological subversion and interference in the internal affairs of States, during the years of the "cultural revolution" six radio stations had broadcast slanderous propaganda in the Mongolian language. Currently, broadcasts in Mongolian, Kazakh, Russian and Chinese totalled more than 40 hours a day.

31. He recalled that in 1936 Mao had told Edgar Snow that with the victory of the Chinese revolution Mongolia would "of its own free will" become part of the Chinese federation. In February 1949 and in 1954, on the occasion of the fifth anniversary of the victory of the Chinese revolution, Mao had wanted to discuss with the Soviet leaders the question of the annexation of Mongolia. The Soviet representatives had replied that they did not think Mongolia would agree to give up its independence and that in any case the question must be decided by Mongolia. He thought it was not a coincidence that Chiang Kai-shek and Mao shared the same view on most territorial issues. Along the border the Chinese had built various strategic military installations and had stationed large army units. Between 1969 and July 1973 Chinese troops had conducted 151 military exercises in the frontier zone and there had been some 8,000 instances of explosions and artillery fire. Despite Mongolia's protests, Chinese soldiers and officers deliberately crossed into Mongolian territory on various occasions and minor provocations had become frequent occurrences. In order to defend its borders Mongolia was obliged to divert a considerable amount of resources as well as labour from material production. The Soviet Union and the other socialist countries were helping Mongolia overcome the difficulties caused by the deterioration of its relations with China.

32. He said that if he had cited some examples it was because he wished to demonstrate the need for a more universal legal guarantee that diplomats would be able to discharge their functions in accordance with the principles of international law.

33. Mr. TIEN Chin (China), speaking in exercise of the right of reply, said that he had made no reference to Mongolia in his statement, yet the representative of Mongolia went so far as to utter nonsense and make slanderous attacks against China. The Mongolian representative's calumnious attacks were completely irrelevant to the item under discussion. Others could understand the deplorable position in which that representative had found himself. However, the representative of Mongolia could in no way be helpful to those he was trying to defend.

34. Mr. ENKHSАIKHАN (Mongolia), speaking in exercise of the right of reply, said that first of all, even if the representative of China had not expressly referred to his country, he had done so implicitly and, secondly, the examples he had cited were related to the matter under consideration.

35. Mr. KOLESNIK (Union of Soviet Socialist Republics) said that his delegation was prepared to enter into informal negotiations with a view to seeking broad support for draft resolution A/C.6/L.1031 so that it could be adopted by consensus.

AGENDA ITEM 117

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law: report of the Secretary-General (concluded) (A/10332, A/C.6/468, A/C.6/L.1029)

36. The CHAIRMAN announced that, on the proposal of the representative of Ghana, the Syrian Arab Republic had replaced the Philippines as a member of the Advisory Committee referred to in operative paragraph 9 of draft resolution A/C.6/L.1029. In addition, the representative of Paraguay, referring to the Spanish text of operative paragraph 1 (b) of the same resolution, had requested that the expression "*bolsa de viaje*" should be replaced by "*subsidio de viaje*".

37. Mr. MAHMUD (Pakistan), speaking as Chairman of the Asian Group, welcomed the inclusion of Cyprus and the Syrian Arab Republic as members of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. He pointed out, however, that the principle of equitable geographical distribution had not been properly observed in deciding on the composition of the Advisory Committee. That question should be viewed in the light of the increased membership of the African, Asian and Latin American Groups with the accession to independence of the territories formerly under colonial domination. The Asian Group would not insist that such a review should be undertaken at present, but that should be done in connexion with the next renewal of the mandate of the Advisory Committee.

38. Mr. SIBLESZ (Netherlands) informed the Committee that, as in previous years, his country had offered a fellowship of 5,000 florins for students from developing countries to attend the seminar to be held in Geneva in 1976 in connexion with the work of the International Law Commission.

39. The CHAIRMAN said that, if there was no objection, the Committee would adopt without a vote the draft resolution contained in document A/C.6/L.1029, as orally revised at the 1578th meeting.

It was so decided.

The draft resolution, as revised, was adopted.

AGENDA ITEM 109

Succession of States in respect of treaties: report of the Secretary-General (continued)* (A/10198 and Add.1-5, A/9610/Rev.1, A/C.6/L.1019/Rev.1, A/C.6/L.1022/Rev.1, A/C.6/L.1023/Rev.1, A/C.6/L.1026)**

40. The CHAIRMAN announced that Sudan and Uganda had joined the sponsors of the revised amendments to draft resolution A/C.6/L.1019 as contained in document A/C.6/L.1023/Rev.1.

* Resumed from the 1575th meeting.

** Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 10.

41. Mr. STEEL (United Kingdom), speaking on behalf of the sponsors of draft resolution A/C.6/L.1019/Rev.1, announced that the following changes had been made in the draft: in the last phrase of operative paragraph 1 the words "without fail" should be added after the word "thereon" and in operative paragraph 6 the title of the item to be included in the provisional agenda of the General Assembly at its thirty-first session should be "Conference of Plenipotentiaries on Succession of States in respect of Treaties", instead of "Succession of States in respect of treaties".

42. He submitted that the amendments contained in document A/C.6/L.1023/Rev.1 were not genuine amendments but were in the nature of separate proposals. He sought the ruling of the Chair on that point.

43. After a procedural debate in which Mr. ABDUL-KHEIR (Egypt), Mr. ROSENSTOCK (United States of America), Mr. JEANNEL (France), Mr. MAÏGA (Mali), Mr. RASHID (Afghanistan), Mr. DIENG (Senegal), Mr. GOBBI (Argentina) and Mr. GODOY (Paraguay) took part, Mr. Sette CÂMARA (Brazil), speaking in explanation of vote, said that his delegation could not accept the idea of referring part of the draft articles on succession of States in respect of treaties back to the International Law Commission, since that would be contrary to the practice of the Sixth Committee. Any problems which might arise in connexion with the draft would be duly considered by the Conference of Plenipotentiaries. His delegation was therefore opposed to draft resolution A/C.6/L.1019/Rev.1, since that would give rise to an unprecedented third reading of the draft articles. On the other hand, he welcomed the amendments proposed in document A/C.6/L.1023/Rev.1 but was not able to support the amendments put forward in document A/C.6/L.1022/Rev.1 for the reasons he had stated previously.

44. Mr. FRANCIS (Jamaica), explaining his vote before the vote, said that it would be preferable to refer the draft convention on succession of States in respect of treaties back to the International Law Commission. He also felt that the proceedings of the Conference on the Law of the Sea would make it difficult to hold a Conference of Plenipotentiaries in 1977. Accordingly, his delegation would vote against the draft amendments in document A/C.6/L.1023/Rev.1.

45. The CHAIRMAN, ruling on the point of order raised by the United Kingdom representative, said that since the draft contained in document A/C.6/L.1023/Rev.1 would have the effect of deleting certain provisions of draft resolution A/C.6/L.1019/Rev.1 and amending others, he was of the view that it constituted an amendment within the meaning of article 130 of the rules of procedure of the General Assembly.

46. He proceeded to call for a vote on the third and fourth amendments submitted by Afghanistan (A/C.6/L.1022/Rev.1) stating that it was not necessary to vote on the first two amendments as they had been incorporated in the revised draft resolution.

The amendments were rejected by 68 votes to 8, with 22 abstentions.

47. The CHAIRMAN called for a vote on the revised amendments to draft resolution A/C.6/L.1019/Rev.1 as contained in document A/C.6/L.1023/Rev.1.

The amendments were adopted by 58 votes to 26, with 15 abstentions.

48. The CHAIRMAN put to the vote draft resolution A/C.6/L.1019/Rev.1, as amended.

The draft resolution, as amended, was adopted by 70 votes to 1, with 28 abstentions.

49. Mr. RASHID (Afghanistan) requested that his delegation should be recorded as having voted in the negative.

The meeting rose at 1.30 p.m.

1580th meeting

Thursday, 4 December 1975, at 11 a.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1580

AGENDA 109

Succession of States in respect of treaties: report of the Secretary-General (concluded) (A/10198 and Add.1-5, A/9610/Rev.1, A/C.6/L.1019/Rev.1, A/C.6/L.1022/Rev.1, A/C.6/L.1023/Rev.1, A/C.6/L.1026)

1. Mr. VAN BRUSSELEN (Belgium) said that his delegation had voted against the amendments in document A/C.6/L.1022/Rev.1 because it felt that the draft articles on the succession of States in respect of treaties (see A/9610/Rev.1, chap. II, sect. D) represented a compromise that would be hard to improve on, and that therefore there was no need for the International Law Commission to consider them further, and also because they left the question of the convening of a conference of plenipotentiaries, which Belgium favoured, completely open.

2. As for the amendments in document A/C.6/L.1023/Rev.1, his delegation had abstained from voting on them, while agreeing with some of the ideas they embodied, because no provision was made for referring to the Commission for further study the proposals mentioned in paragraph 75 of its report (A/9610/Rev.1), although the Commission itself had stated that it had had insufficient time to study them. Moreover, according to operative paragraph 3 proposed in the amendment, it would be decided that the conference of plenipotentiaries should embody the results of its work in an international convention and Belgium considered that it was too soon to take a decision at the present stage on the final form of the articles. Nor did it believe that a convention would be the best formula and, in any case, it felt that the conference itself should take the necessary decision. In view of the adoption of the amendments contained in document A/C.6/L.1023/Rev.1, his delegation had been obliged to abstain from voting on draft resolution A/C.6/L.1019/Rev.1 as amended.

3. Mr. KUSSBACH (Austria) said that his delegation had voted against the amendments in document A/C.6/L.1023/

Rev.1 because it had been under the impression that a vote was being taken on the last paragraph of document A/C.6/L.1022/Rev.1. Actually, his delegation had intended to vote in favour of the amendments in document A/C.6/L.1023/Rev.1 because they fully reflected its point of view. Consequently, his delegation had then voted in favour of the draft resolution in document A/C.6/L.1019/Rev.1, as amended.

4. Mr. MAKEKA (Lesotho) said that, unfortunately, his delegation had been absent when the vote had been taken. Otherwise it would have voted in favour of the amendments contained in document A/C.6/L.1023/Rev.1 and draft resolution A/C.6/L.1019/Rev.1, as amended.

5. Mr. BOSCO (Italy) said that his delegation had voted against the amendments in document A/C.6/L.1023/Rev.1 because, although it did not disagree with the proposed operative paragraphs 1 and 2, it had found operative paragraphs 3 and 4 unacceptable, as it would be premature to decide on the convening of a conference of plenipotentiaries in 1977 before knowing the comments and observations of more member States. For the same reasons, his delegation had been unable to vote for draft resolution A/C.6/L.1019/Rev.1, as amended.

6. Mr. JEANNEL (France) said that his delegation had voted against the amendments contained in document A/C.6/L.1022/Rev.1 because it felt that, if they were adopted, it would mean indefinitely delaying a decision on the draft articles. His delegation had also voted against the amendments in document A/C.6/L.1023/Rev.1 because it believed that a convention was not the most appropriate and effective form for the draft articles and because the text still contained certain points which, as the International Law Commission itself had acknowledged, had not been given sufficient study.

7. With regard to draft resolution A/C.6/L.1019/Rev.1, as amended, his delegation, which had been a sponsor of the original draft resolution and had included in it the decision to convene a conference of plenipotentiaries, regretted that it had not been possible to agree on an acceptable wording. It therefore abstained in the vote.