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CONTENTS

Chairman: Mr. Edvard HAMBRO (Norway).

AGENDA ITEM 85

Report of the International Law Commission on the work of its nineteenth session (continued) (A/6709/Rev.1 and Corr.1)

1. Mr. OSIECKI (Poland) observed that the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations had omitted to deal with certain other types of relations which were rapidly becoming more important in contemporary international life and which called for the adoption of simple, rapid and effective procedures. Those relations were the subject of the draft articles on special missions (A/6709/Rev.1 and Corr.1, chap. II), the excellence of which all previous speakers had acknowledged. His delegation wished to be associated with those favourable comments and, in particular, to congratulate Mr. Bartoš on the substantial contribution he had made to that achievement.

2. In connexion with special missions there were no traditional usages of the kind that had facilitated the codification of diplomatic law, nor any bilateral agreements of the kind that had facilitated the codification of consular law. Consequently, it was necessary, whenever the rules laid down in the Vienna Convention on Diplomatic Relations could not be used, to establish appropriate rules de lege ferenda and to do pioneering work, taking account of the positive elements in the development of international law. He was pleased to note that those elements were present in the draft articles, which attempted to provide special missions with the conditions that were necessary for the performance of their functions by establishing such principles as the inviolability of the premises, the documents and the persons of the members of special missions and the principle of freedom of movement and communication by such members.

3. It was, however, quite reasonable to provide for certain restrictions on those privileges and immunities, as was done in article 50 of the draft, under which States might reciprocally reduce the extent of facilities, privileges and immunities for their special missions. He also thought it right that the functional theory of privileges and immunities should be applied in the case of draft article 42. He approved of the simplification of formalities and procedure regarding the composition, the reception and the commencement of the functions of special missions, and he particularly welcomed the fact that the draft articles did not contain any provision comparable to those of article 11 of the 1961 Convention on Diplomatic Relations,[1] which gave the receiving State the power to limit the size of a diplomatic mission. Lastly, draft article 7, which enabled States not maintaining diplomatic or consular relations to exchange special missions, could help to reduce international tension and even facilitate the establishment of diplomatic relations between such States. It was to be hoped that the proposed convention would incorporate, and indeed strengthen all those positive elements. Concerning the procedure for drawing up the convention, his delegation agreed with those who had proposed that the Sixth Committee should perform the task itself.

4. He approved of the programme of work which the International Law Commission had drawn up for the future. The establishment of close ties between United Nations bodies and young specialists in international law was an important contributing factor to the strengthening of international law. He therefore favoured the continuation of the Seminar on International Law, in which young Polish lawyers had participated, but he hoped that due account would be taken of the views of different schools of international law in dealing with the topics discussed.

5. Mr. ROSENNE (Israel), associating his delegation with the Commissions' tribute to Mr. Milan Bartoš, drew attention to the importance of his broad survey of the scope and diversity of special missions in the first report.[2] He recalled that, as far back as 1965, his delegation had expressed doubts about the feasibility of codifying the rules relating to special missions in the form of a convention to be drawn up at a conference of plenipotentiaries; the Israel Government had reiterated those reservations in paragraph 2 of the comments it had submitted on 24 April 1966 (A/6709/Rev.1 and Corr.1, annex I, sec. II).

6. In drafting the articles, the International Law Commission had, quite correctly, tried to follow the Vienna Conventions as closely as possible, but with the necessary adaptations. In the case of certain articles, however, it had departed from the Conventions and produced interpretations of their provisions that might not always be correct or appropriate. In draft

[1] See United Nations Conference on Diplomatic Intercourse and Immunities, Official Records, vol. II (United Nations publication, Sales No.: 62.X.1), p. 83.

[2] Yearbook of the International Law Commission, 1964, vol. II, document A/CN.4/166.

article 1 (b) for instance, there was a description of the term "permanent diplomatic mission", although the 1961 Vienna Convention contained no such definition. That was hardly a desirable step, since it might introduce new elements into international diplomatic law. To the disappointment of his delegation, certain concepts were not defined as stringently or as clearly as they might be. For example, the very concept of special missions could only be established by a close reading of three separate provisions, namely, article 1 (a), article 2 and article 3. Moreover, article 1 (a), which was supposed to define the term "special mission", did not even mention the mutual agreement of the States concerned, which was an essential element in such a definition.

7. Some provisions should not appear in the draft at all, at least in their present form. The inclusion of article 50, for example, was certainly not justified by the fact that the Vienna Conventions contained provisions on the subject of non-discrimination. There was, of course, a diplomatic corps and a consular corps, but there could be no corps of special missions; for the two notions were incompatible. The Commission might conceivably have adopted an article prohibiting discrimination between special missions sent by two or more States to deal with a question of common interest, which was the hypothesis of article 6, but the blanket provision in draft article 50 was quite inconsistent with the consensual element which, as the Commission itself had recognized in its report on the work of its seventeenth session,[3] was fundamental to special missions.

8. Another criticism that could be made of the draft articles was the lack of uniformity in the terminology employed as well as inconsistency with one or the other of the Vienna Conventions. That required close scrutiny, because of its possible impact on the interpretation and application of those conventions.

9. On the other hand, his delegation had noted with satisfaction the provisions of article 42, which incorporated the functional theory for diplomatic immunities. His delegation had proposed the inclusion of similar provisions in the Convention on Diplomatic Relations and was glad to see that the International Law Commission had now recognized their importance.

10. Contrary to the expectations raised by the report of the Commission on the work of its eighteenth session (A/6309/Rev.1, part II, para. 64), the draft articles did not contain any provisions similar to those of article 73 of the 1963 Vienna Convention on Consular Relations[4] which concerned the relationship between the articles and other international agreements. That was a regrettable omission, and he would be grateful if the Chairman of the Commission could provide some explanation on the subject.

11. His delegation acknowledged that, technically speaking, the draft articles could form the basis for a convention, but it felt that the degree of generality of the draft articles was in inherent contradiction with the specific character of a special mission and with the Commission's clear recognition of the need for a highly functional approach to the question. It could be concluded from the first sentence of paragraph 4 of the general considerations preceding part II of the draft articles that it was for the States concerned to determine what was essential for the regular performance of the functions of a special mission and that the draft articles constituted, so to speak, a "fall-back" position. The draft articles would undoubtedly be valuable to States which had to deal with concrete problems of special missions. Nevertheless, his delegation was prepared to accept the conclusions of the majority concerning the advisability of concluding a convention on the subject.

12. Some delegations had suggested that the Sixth Committee should draft the convention. Before a decision was taken to that effect the Secretariat could perhaps draw up a work programme and give the Committee some idea of its impact on its normal work. In principle, his delegation did not favour the idea that the Sixth Committee should undertake the drafting of so technical and complicated a convention, as indeed was implicit in the annex to the Rules of Procedure.

13. Turning to other matters dealt with in the report of the International Law Commission, he welcomed the Commission's intention to deal immediately with the question of the succession of States in respect of treaties and the topic of most-favoured-nation clauses. With regard to the first of those topics, he did not think that it was absolutely necessary for the Commission to concentrate its attention exclusively on the production of draft articles, since article 69 of the draft articles on the law of treaties (see A/6309/Rev.1, part II, chap. II) already dealt with the question of State succession in the form of a general reservation. The Commission should, rather, confine itself to submitting a report on the implications of that reservation for the law of treaties as a whole. With regard to the question of the most-favoured-nation clause, he endorsed the conclusion, in paragraph 48 of the Commission's report, that clarification of its legal aspects might be of assistance to the United Nations Commission of International Trade Law. The latter Commission was to report simultaneously to the General Assembly and to the United Nations Conference on Trade and Development (UNCTAD), and its connexion with the latter was of particular importance in the case of the topic in question, owing to the fact that the principle of the equality of States embodied in the most-favoured-nation clause was not fully applicable in the trade relations between developing and developed countries. The International Law Commission should ask UNCTAD and perhaps also the secretariat of the General Agreement on Tariffs and Trade to submit their comments or recommendations before it completed its final text on that topic, in application of article 25 of the Commission's Statute.

14. His delegation had read with interest paragraphs 51-58 of the report, concerning the increasing co-operation between the Commission and other international bodies active in the field of international law, but it regretted that the Commission had not

[3] See Official Records of the General Assembly, Twentieth Session, Supplement No. 9, par. 49.

[4] See United Nations Conference on Consular Relations, Official Records, vol. II (United Nations publication, Sales No.: 64.X.I), p. 187.

sent an observer to the 1967 meeting of the Inter-American Juridical Committee, on the ground that the latter's work had been unrelated to the present programme of the Commission. In his delegation's view, that was not a relevant criterion, and it seemed from the discussion at the Commission's 818th meeting that this had also once been the Commission's view. He wished to associate himself with the support which had been expressed for the Seminar on International Law, and he stated that the Israel Government was again prepared to grant a scholarship in the sum of $1,000 for 1968 for the benefit of participants from the developing countries, and otherwise on the conditions stated by his delegation at the 840th meeting of the Committee. Finally, he wished to draw attention to the excellent survey of the work of the International Law Commission recently published by the United Nations Office of Public Information,[5] and hoped it could be followed by others of a similar nature.

15. Mr. DARWIN (United Kingdom) congratulated the International Law Commission on the excellent work which it had done at its nineteenth session. Its main work had, of course, been the draft articles on special missions, but it had also reorganized its work on the most important topic of succession of States and Governments. The Commission had been wise to divide the subject into three main headings. The areas of State practice on which the work of the Commission was based were very diverse, and while the practice was relatively easy to ascertain as regards succession in respect of membership of international organizations, it was more difficult to dtermine, and was of a different character, in the case of succession in respect of treaties. The progress made on that subject would contribute much to the advancement of international law.

16. The Commission had not devoted itself exclusively to its own programme of work, but had conducted another extremely interesting session of the Seminar on International Law and had continued its collaboration with regional bodies concerned with international law, including the European Committee for Legal Co-operation. It had also, for the first time, given tangible recognition to the close ties linking it with the principal judicial organ of the United Nations, the International Court of Justice. In doing so, the Commission had recognized that the development of international law could not be too far separated from the development of judicial procedures designed to ensure the observance of that law.

17. The principal product of the Commission's meetings had been the draft articles on special missions, thanks to the outstanding work done by the Special Rapporteur for that topic, Mr. Milan Bartoš.

18. Special missions were very different from diplomatic or consular missions. Diplomatic and consular missions had been regularly used in the relations of States for centuries; the State practice concerning them was relatively well-established, and the privileges and immunities of such missions had been "ripe for codification" at the time of the recent Vienna Conferences. By contrast, special missions varied enormously in size, duration, rank, status and function, and the increase in their numbers in recent years had created a wide and uncertain field of new State practice. However, in spite of all those difficulties, the International Law Commission had succeeded in preparing draft articles, on which Governments are now invited to state their views.

19. Although the United Kingdom Government had not yet had time to study the draft articles with the attention they merited, it was possible to make some preliminary remarks. With regard to the substance, his general impression was that, in some instances at least, it was proposed to grant special missions an immunity the need for which was not fully established. The immunities conferred upon diplomatic missions by the 1961 Vienna Convention should not be automatically applied to special missions, some of which were very different in character. The Nigerian delegation had reserved its position with respect to the extent of the privileges and immunities proposed in the draft articles and had stressed that special missions should be accorded only those privileges and immunities which were essential for the performance of their tasks (958th meeting). The representative of Ceylon had also said that, in his view, special missions should not be granted excessively wide privileges and immunities (959th meeting). Those sentiments accorded with those of his own delegation.

20. In deciding whether or not a particular immunity or privilege should be extended to a special mission, it was not enough to say that the provision in question derived from the Vienna Conventions. While the International Law Commission had undoubtedly been right to use the same wording to express the same ideas, that did not prove that special missions actually required the immunity in question. If, for example, as was often the case, a special mission had a room in a hotel, should it really be impossible, in case of fire, to enter it in the absence of the head of the mission? When a special mission was by definition temporary, was it really necessary to devote the whole of article 17 to the question of its "seat"? The members of a special mission came and went for short periods and for various purposes; should they really be protected by a wide range of privileges and immunities? All those privileges might be prejudicial to the legitimate interests of the States in which they were circulating. That again was a difficult question which ought to be thoroughly examined by experts.

21. With respect to procedure, it had been suggested that the draft articles should be discussed in the Sixth Committee. In the view of his delegation, that course presented certain inconveniences. The Committee had a full agenda and could not devote all the time available to it to that one question. The rules for special missions, when formed into a convention, would have to be such that they could be embodied or translated into national legislation, and it was doubtful whether the members of the Committee, in view of their other commitments, could devote enough time to the drafting of such a convention.

22. The convening of a plenipotentiary conference, on the other hand, would allow more thorough consideration of the question and would thus give a much greater

[5] The Work of the International Law Commission (United Nations publication, Sales No.: 67.V.4).

hope of success. The conference could be relatively short and could be prepared by consultations beforehand. The delegations could examine the solutions proposed by the International Law Commission and, if they were not prepared to adopt them, could propose alternative solutions. A further point was that the procedure would be quite different, according as the discussion took place in a plenipotentiary conference or in the General Assembly. In a plenipotentiary conference, the discussion would be in two stages, namely, the committee stage followed by a plenary stage, and the latter might take up a substantial part of the whole period of the conference. By contrast, if the matter was taken up by the Sixth Committee, it would be impossible to give it, in plenary meetings of the General Assembly, the time and attention which the drafting of an important treaty merited. One argument advanced against the convening of a plenipotentiary conference had been the argument of economy, since since such a conference, even if it was not long, would involve considerable expenditure. His delegation had always advocated economy, but in the case under discussion the expenditure involved would unquestionably be worth while. If the draft articles were not examined in depth and the convention which resulted did not command general acceptance, the legislatures which had to consider it would be unable to give it their support and Governments would be unable to ratify it. His delegation shared the view of the Nigerian delegation that a plenipotentiary convention was the best method.

23. It had also been argued that the convening of a plenipotentiary conference would delay the formulation of a convention. That argument was unconvincing. The draft before the Sixth Committee contained fifty articles, or three more than the Vienna Convention on Diplomatic Relations. The Committee would simply not have time to consider them all at a single session, or perhaps even two sessions, and the final text would not be available until January 1970. If the Committee decided to remit the matter to a plenipotentiary conference, it could still set the date for 1970, which would represent only a negligible delay as compared with the course mentioned earlier. Thus, the time factor was not a decisive argument in favour of considering the question in the Sixth Committee, rather than at a plenipotentiary conference.

24. His delegation felt bound to stress the need to give very careful consideration to the procedure to be followed; for the decision taken on the subject would determine whether the final convention that emerged was an instrument which had been fully considered by Governments and whose merits were generally recognized.

25. Mr. KOOIJMANS (Netherlands) congratulated the International Law Commission and its Special Rapporteur, Mr. Milan Bartoš, on their excellent work, which had built up what might be termed a handbook of ad hoc diplomacy.

26. Temporary missions sent by one State to another were not a new phenomenon; they were as old as international law itself. It was only when contacts between States were beginning to develop that international law could become an independent branch of law. Later on, when relations between States grew more intensive, temporary missions were replaced by permanent missions, and the sending of special missions, although not falling fully into disuse, became more and more exceptional. However, since the beginning of the twentieth century, and especially after the outbreak of the Second World War, temporary missions had again become a common feature in international life. It was to be expected that their number would steadily increase in the future, and the time had come to provide for their regulation in international law.

27. The term "special missions" was generally used in speaking about such missions, and rightly so, for they were not the normal means for inter-State intercourse but were sent to deal with some special topic and, consequently, generally had a narrowly defined function. However, they could not be defined merely by that special task or function, for as Mr. Bartoš had shown, tasks of that kind could vary widely. There were many different categories of special missions, with functions ranging from purely political to purely technical ones, and the latter would doubtless become more and more numerous.

28. If it was impossible to define special missions by the nature of their task, another criterion had to be found. A characteristic common to all special missions was that they were not sent in order to represent the sending State in a general way—that was the purpose of permanent missions—but that they were delegations sent by one State to another, and therefore possessing an official status, to deal with some specific task. If such official status was indeed the meaning to be attached to the rather ambiguous term "representative" appearing in article 1 of the draft convention—as seemed to be the case—that criterion seemed to be well-chosen.

29. The International Law Commission had acted wisely in refraining from making a distinction between political and technical missions, for such a distinction would only be arbitrary and would undoubtedly give rise to innumerable conflicts about the character of a given mission. However, as it was not the intention to bring every government official travelling abroad under the scope of a convention, so that any non-representative mission would fall outside the draft articles, it was imperative to give a clearer definition of the word "representative". Several delegations had said that the term should be interpreted very broadly. But if no consensus was reached about the meaning to be attached to the term, difficulties might arise, for no State would wish to be caught unawares by a sending State's demanding the application to a government mission, to whose visit the receiving State had not objected, the privileges and immunities provided for by the draft articles. Although the Commission had given the draft articles an element of flexibility by providing for the requirement of consent for the establishment of any special mission, it would nevertheless by necessary in each case to inquire into the nature of the mission and to reach agreement about its status. It might therefore be asked whether the convention would really facilitate contacts between States and between Governments.

30. The situation was further complicated by another aspect of the question. The draft articles would only

continue rules which were applicable in principle to all special missions, but would not prevent sending and receiving States from agreeing to give a particular mission either a more or a less favourable status than the one provided for in the standard rules. In view of the widely varying pattern of functions of special missions, his delegation believed it was impossible to draw up a set of rules directly applicable to all of them. In particular, the grant of privileges and immunities should be decided by considerations of functional necessity only, and those were different in each case. That being so, any convention on special missions could only be of a subsidiary nature, and greater stress should be given to that fact in many of the provisions in the draft itself, as the Ceylonese delegation had proposed (959th meeting). It could be provided in each article that the parties were free to derogate from its provisions, e.g. by adding the formula "unless otherwise agreed", or a general article could be inserted to the effect that the facilities, privileges and immunities provided for would be granted only to the extent required by the draft, unless the receiving State and the sending State agreed otherwise.

31. As the draft articles were to lay down only standard provisions, it seemed appropriate to relate the rules for special missions to those governing permanent diplomatic missions, with only those alterations necessitated by the particular nature of special missions. However, that solution might involve certain disadvantages, for if the rules were to be standard provisions they should be applicable in general to the great majority of special missions. Missions other than those "at a high level" would probably become more and more numerous, but had no need of the numerous privileges and immunities granted to permanent missions. The standard having been set too high, most special missions would not come under the scope of the draft. Furthermore, it was evident from the comments by Governments on the first version of the draft articles that many Governments were hesitant to extend far-reaching privileges and immunities to yet another class of individuals. If the standard was set too high it would frequently become necessary for States to derogate expressly from the draft articles. For that reason, too, it seemed questionable whether such a convention would indeed facilitate the intercourse of States.

32. It would certainly be extremely difficult to find a common denominator appropriate for most categories of special missions. Likewise, it was questionable whether it would be possible, or wise, to reduce the extent of the facilities, privileges and immunities to be granted to special missions to a minimum which would be the rule applicable to ad hoc diplomacy as a whole, leaving States at liberty to afford greater facilities to missions of particular importance. In view of the widely varying nature of special missions, it might be difficult to reach agreement on that point, and in the present state of international practice, which was still evolving, it did not seem wise to leave out rules that could not be applicable to all categories of special missions. Nevertheless, it would be worth while to narrow down the extent of immunities and privileges with special regard to the character and the needs of special missions, as indicated in the comments of the Netherlands Government and of other Governments. That would be a more realistic approach.

33. The principle of non-discrimination, set out in draft article 50, did not preclude different treatment of special missions belonging to different categories; indeed, it would hardly be desirable to prohibit discrimination without expressly mentioning that inequality of treatment of special missions would be the rule rather than the exception, owing to their varying nature.

34. As regards the procedure which should be followed, his delegation felt it would be preferable, in view of the technical nature of the subject, for the convention to be concluded by an international conference of plenipotentiaries.

35. In conclusion, he pointed out that while the subject of special missions was still a fluid one, his delegation was convinced that once a State had consented to receive a mission it should be legally obliged to enable it to be able to perform its task by granting it facilities, privileges and immunities to the extent—but only to that extent—necessary for that purpose. In preparing a codification of the subject the International Law Commission and its Rapporteurs had done valuable work.

36. Mr. BAL (Belgium) said that his delegation was grateful to the International Law Commission and the Special Rapporteur for the topic of special missions for having taken note of his Government's comments in framing the final text of the draft articles submitted to the Sixth Committee. While the work done met practical needs, the task involved had been a difficult one. Examples of ad hoc diplomacy were becoming ever more frequent, and it was not easy, therefore, in formulating the rules applicable to non-permanent missions, to find a common denominator. The text drawn up by the International Law Commission showed the extent of this focal problem. Difficulties were apparent in the terminology, from the very first article of the draft. While it was commendable that the provisions of the draft, in line with the proposals of the Special Rapporteur and of several Governments, were preceded by a definition of the main terms used, it was questionable whether the latter were clear enough to permit an exact determination of the special missions to which the future convention should apply. The concept of representation, for example, was implicit in article 1, and its importance had been stressed by Sir Humphrey Waldock in his introductory statement (957th meeting). The use of that term, and of the word "representative", was designed to limit the field of application of the articles so as to exclude missions which, according to the International Law Commission, were merely "official". It was open to question, however, whether the use of those words removed all ambiguity, for they were themselves inadequately defined. True, the representative of Iraq, interpreting the word "representative" in a very broad sense, had considered it totally acceptable in the circumstances (958th meeting), but the Belgian delegation nevertheless deemed it necessary to go more thoroughly into the study of that definition. An attempt should also be made to formulate a more exact definition of the

common nature and common object of special missions, the wide diversity of which emerged clearly from the content itself of the draft articles.

37. He noted among other things that article 21 of the draft, concerning high-level missions, could if necessary be deleted, since it provided for a derogation from the rule which in any case was required under international law. The article especially stressed that in practice, the application of "common law" governing special missions would be limited by a large number of rules flowing from other sources of law, among which mention might be made of customary law, multilateral treaties and some other standards laid down by parties in agreements concluded between them. In that connexion, there were also diverse points that could be raised concerning the relationship existing between the draft articles and, say, certain provisions of the 1959 International Telecommunication Convention.6/

38. It was understandable that the authors of the draft had stressed the optional or supplementary nature of the provisions they had framed. It had to be asked, however, whether recognition of that fact was sufficient reason to endorse those provisions, considering that the prospective convention would be required to serve as something in the nature of "common law". The question was especially whether, without going into the nature of the beneficiary missions, it was advisable to provide for privileges and immunities as liberal as those proposed. Mr. Bal noted the precautions adopted by the Commission in that connexion, following the comments sent in by the Governments, but was not sure that the present provisions of the draft on the subject of privileges and immunities could win very wide support from the international community. The Belgian Government, for its part, continued to question the justification for certain passages concerning exemption from taxation and duty-free imports.

39. On the whole, the Commission had succeeded in establishing a useful basis for the deliberations and negotiations required in view of the framing of the prospective convention; striving to contribute actively to the development of international law, it deserved well for having immediately proceeded to seek solutions for the new problems which had confronted it.

40. With regard to the procedure to be followed for the final stage, the Belgian delegation advocated the collection of a larger volume of comments on the practical application of the draft. Belgium itself was ready and willing to make new ones in written form. In any case, the procedure for formulating the convention could only be finally decided on after ripe reflection.

41. As to the future work of the Commission, the Belgian delegation subscribed to the programme specified by the Chairman. In addition, it was well satisfied with the contacts which had been kept up with juridical bodies in the various regions, for they allowed due account to be taken of regional legal traditions and law institutions. Regarding the Seminar on International Law, the Belgian delegation stressed the importance it attached to that activity, and thanked all those who were collaborating in it, including the Commission members.

42. Mr. BENJAMIN (United States of America) said that in spite of the limited amount of time the delegation of the United States had had to study the Commission's report, it had been able to note that the Commission's major work during its nineteenth session, namely, the draft articles on special missions, had on the whole been satisfactorily completed. Certainly no country would find perfection in each and every article, and the United States delegation had already indicated its preference in its comments. It felt, in general, that the articles could in many ways more appropriately reflect the differences in the nature and needs of special missions as contrasted with permanent missions and diplomatic establishments. It was evident, however, that all points of view had been considered, and that on the whole a workable balance had been struck.

43. Such being the case, the Sixth Committee should approve the Commission's recommendation that appropriate measures be taken for the conclusion of a convention on special missions. The most suitable procedure would be to include an item entitled "draft Convention on special missions" in the provisional agenda of the twenty-third session of the General Assembly.

44. An initial reason in favour of that procedure was that the task was not so complex as to necessitate convening a special conference. The majority of the difficult questions raised by the rules applicable to special missions had already been aired at the two Conferences in Vienna on diplomatic relations and consular relations. In the second place, the international conference calendar was overcrowded, whereas the Sixth Committee had the resources and time necessary for handling the formulation of the convention, setting up a working group if necessary for that purpose. Mr. Benjamin pointed out in that connexion that it had not been necessary to convene a special conference for approving and opening for signature such instruments as the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water,7/ the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly Resolution 2222 (XXI), annex) or the Conventions on Human Rights (General Assembly resolution 2200 R (XXI), annex). If it were decided to entrust the formulation of the convention to the Sixth Committee, the latter could decide, at the present session, on the procedure to be followed so that substantive work could be commenced at the beginning of the twenty-third session.

45. With regard to the Commission's programme of future work which included topics of substantial interest though beset with difficulties, the United States delegation welcomed the decision which had been taken to make as much progress as possible

6/ International Telecommunication Union, International Telecommunication Convention (Geneva, 1959).

7/ United Nations, Treaty Series, vol. 480 (1963), No. 6964.

at the twentieth session of the Commission in considering those aspects of the topic of succession of States and governments which concerned succession in respect of treaties, as that would enable participants in the Conference on the Law of Treaties to take account of the Commission's work on that related topic.

46. In conclusion, he stressed the importance of the Seminar on International Law, the third session of which had recently been held in Geneva under the Commission's auspices.

The meeting rose at 12.30 p.m.

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