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*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. The CHAIRMAN, in response to the request made by several members of the Committee, provided information on the adoption of multilateral conventions by the General Assembly. The Convention on the Privileges and Immunities of the United Nations had been adopted in 1946 by the General Assembly (General Assembly resolution 22A (I)) after the Sixth Committee had devoted four meetings to consideration of a draft submitted by a sub-committee. Following the same procedure, the Sixth Committee had devoted two meetings to the preparation in 1947 of the Convention on the Privileges and Immunities of the Specialized Agencies (General Assembly resolution 179 (II)) and forty-four meetings in 1948 to the preparation of the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 (III)). In 1949, on the recommendation of the Third Committee and with the co-operation of the Sixth Committee, the General Assembly had adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV)), on the basis of an initial draft submitted by the Economic and Social Council, to the consideration of which the Third Committee had devoted fourteen meetings and the Sixth Committee eleven meetings. Several conventions had been adopted by the General Assembly without the assistance of the Sixth Committee. They included, in particular, in 1946 the Constitution of the International Refugee Organization (General Assembly resolution 62 (I)), drawn up by the Third Committee on the basis of a draft submitted by the Economic and Social Council; in 1952 the Convention on the International Right of Correction (General Assembly resolution 630 (VII)); in 1952 the Convention on the Political Rights of Women (General Assembly resolution 640 (VII)); and in 1965 the Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX)).

2. Mr. BHANDARE (India) said that his delegation was in general agreement with the principles embodied in the draft articles on special missions drawn up by the International Law Commission (A/6709/Rev.1 and Corr.1, chap. II). He considered that the Committee should endorse the Commission's recommendation in paragraph 33 of its report that the General Assembly take appropriate measures for the conclusion of a convention on special missions. Such a convention would complement the 1961 Vienna Convention on Diplomatic Relations<sup>1/</sup> and the 1963 Vienna Convention on Consular Relations<sup>2/</sup> and complete the important work already done by the Commission towards the codification and progressive development of international law.

3. His delegation was aware of the difficulties which the Commission had had to face in formulating the draft articles on special missions. Those difficulties arose from the fact that there had not been the same degree of uniformity in the law and practice of States in the case of special missions as there had been, for instance, in the case of permanent diplomatic or consular missions. Even the task of defining a "special mission" had presented grave problems. However, the definition proposed in article 1 was satisfactory: it emphasized that the hallmark of a special mission was its representative and temporary character and steered clear of the twin reefs of what should be the nature of the specific task to be performed by the special mission and what should be the appropriate level of its members.

4. Those were matters which, like the field of activity of a special mission, had to be agreed upon by the sending State and the receiving State. Nevertheless, it might be useful to make clear the exact meaning of the expression "representative character", in order to avoid any controversy arising between a sending State and a receiving State as to whether a particular mission was a "special mission" within the meaning of the draft articles or merely an ordinary official mission.

5. The Commission had also been right in trying to follow as closely as possible the corresponding provisions of the 1961 Vienna Convention on Diplomatic Relations. In doing so they might at times have incorporated elements of progressive development of international law, but that initiative appeared to have been both justified and necessary, and the Indian delegation believed that the Commission had on the whole main-

<sup>1/</sup> See *United Nations Conference on Diplomatic Intercourse and Immunities, Official Records*, vol. II (United Nations publication, Sales No.: 62.X.1), p. 82.

<sup>2/</sup> See *United Nations Conference on Consular Relations, Official Records*, vol. II (United Nations publication, Sales No.: 64.X.1), p. 175.

tained a proper balance between considerations of lex lata and lex ferenda.

6. Regarding the procedure to be followed for the conclusion of the proposed convention, he said that, all things considered, it was not desirable to recommend the holding of plenipotentiary conference. In the first place, it would not be possible, because of the heavy conference schedule, to hold it until 1970. Secondly, the holding of such a conference would involve considerable expenditure both for the United Nations and for Member States. The circumstances did not really call for such delay and expenditure. Most of the draft articles were based on the 1961 Vienna Convention on Diplomatic Relations, and it would be easy for Governments, after considering the draft articles more thoroughly and reading the relevant records of the International Law Commission, to resolve any differences of views which might arise between them on the few provisions which had no equivalent in the Vienna Convention. Furthermore, the draft articles recognized the fact that States might agree among themselves to add to or subtract from even the most important provisions, such as those concerning the facilities, privileges and immunities of special missions.

7. With regard to the organization of the Commission's future work, his delegation noted with satisfaction that the Commission had decided to advance its work on succession in respect of treaties as rapidly as possible at its twentieth session in 1968. Consideration of that aspect of the topic of State succession must undoubtedly be accelerated in prospect of the conference on the law of treaties to be held in 1968 and 1969. Finally, his delegation was glad to note the success of the sessions of the Seminar on International Law and welcomed the fact that the Seminar had now been established as a regular institution, for it helped to promote the dissemination and wider appreciation of international law. His delegation thanked those Governments which had financed the Seminar, thus enabling many nationals of developing countries to participate. The Indian Government, for its part, had sent a junior official from the Legal Division of the Ministry of External Affairs to the 1967 session.

8. Mr. PRANDLER (Hungary) said that the completion of the draft articles on the law of treaties and those on special missions marked the end of a stage in the Commission's work. It would now have to engage in a new area and complete rapidly—as it indeed hoped to—its consideration of the questions still before it, namely, succession of States and Governments, State responsibility and relations between States and intergovernmental organizations.

9. The Commission had been well advised to follow Mr. Lachs' suggestion to divide the first topic into three main headings. Two of them had been assigned to special rapporteurs, but none had been appointed for the third heading, succession in respect of membership of international organizations, the reason being that it was closely related both to succession in respect of treaties and to relations between States and intergovernmental organizations. Early consideration of that question was essential, however,

for certain aspects of it were of vital concern to the United Nations.

10. His delegation noted with special satisfaction that, from the long list of additional topics suggested for inclusion in its programme of work, the Commission had singled out for special attention the topic of the most-favoured-nation clause. His delegation regarded that clause as having a very decisive bearing on the development of international trade without discrimination. The study of that question would also be an important contribution to the work of the United Nations Commission on International Trade Law. He was happy to note, also, the success of the third session of the Seminar on International Law, in which a young Hungarian specialist had participated.

11. With the Vienna Conventions of 1961 and 1963, the draft articles on special missions constituted the third pillar of the magnificent edifice of the codification and progressive development of all diplomatic law. The fourth pillar, namely, relations between States and intergovernmental organizations would surely be added before long.

12. The Pakistan representative had stated (961st meeting) that the draft articles on special missions represented an attempt at the progressive development of international law rather than codification of existing rules and practices; but although it was true that State practice in that area differed widely, he himself believed that it was possible to regard the draft articles as a work of codification, for there was already ample knowledge and experience for the drafting of a convention, which was in itself an act of codification.

13. His delegation considered that the Commission had been right in adopting two basic principles for its draft articles, namely, the principle of the sovereign equality of States reflected in the recognition of mutual consent as the basis for exchanging special missions, and the principle that special missions should be accorded the same privileges and immunities as permanent diplomatic missions. Although his delegation took a functional approach to privileges and immunities, it could not agree with the delegations that had proposed to diminish the scope of the privileges and immunities enjoyed by special missions; it wished to point out, in that connexion, that the present wording of the last sentence of article 25, paragraph 1, concerning the inviolability of the premises of special missions in case of fire or other disaster, might give rise to misinterpretations and diminish the importance of the immunities accorded.

14. His delegation expressed satisfaction with the criteria adopted by the Commission for the definition of special missions: the three elements listed, namely, the representative character of the special mission, its temporary duration and the special nature of its task, drew the proper distinction between special and permanent missions, and between special missions and some other missions of non-representative character.

15. Concerning the measures to be taken for the conclusion of a convention, his delegation had been pleased to note that a great majority of the speakers had supported the idea of preparing the convention in the Sixth Committee. Although his delegation might

in other circumstances have preferred the convening of a conference, it considered, for the reasons indicated by those speakers, that an item entitled "Conclusion of a convention on special missions" should be placed on the agenda of the General Assembly's twenty-third session. Replying to the objections to that solution raised by the United Kingdom representative (960th meeting), he recalled that the Third Committee had prepared, *inter alia*, the International Covenant on Civil and Political Rights and the Optional Protocol to that Covenant (General Assembly resolution 2200 A (XXI), annex), and the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex), and that it had before it at the present session three major drafts, including the draft Declaration on the Elimination of Discrimination against Women. The Sixth Committee was quite capable of bringing a task of that kind to a satisfactory conclusion, particularly as it would have an excellent basis for work and as the Commission and the Committee, itself, had been dealing with that question for almost ten years.

16. Mr. VEROSTA (Austria) said that his delegation would like to thank the International Law Commission and its Chairman for their work on special missions and to pay a special tribute to Mr. Bartoš, the Special Rapporteur on that topic. Special missions had existed well before the establishment of permanent missions, but the practice of States, although based on rules which they themselves had developed, was still uncertain. Since there were many different types of special missions—the Special Rapporteur had distinguished fourteen—it had been very difficult to formulate rules applicable to all special missions, ranging from missions led by heads of State to those of a technical nature.

17. In considering the fifty draft articles, which to some extent paralleled the provisions of the Vienna Conventions, it was interesting to recall articles 32-34 of the 1899 Hague Convention respecting the Laws and Customs of War on Land.<sup>3/</sup> Those articles, which he read out, provided an example of the codification of international law almost seventy years ago. While certainly not a model of juridical clarity, those articles were a concise formulation of the rules applicable to the mission of the envoy sent to a belligerent, in so far as the fundamental principle of inviolability indispensable to his function, the prevention of any abuse of privileges and the termination of his special mission, were concerned. Those rules were still in force and accepted.

18. While he was gratified that the wording of article 16, paragraph 1, had been reformulated in accordance with a suggestion of his Government, he regretted that the parallelism in language with the Vienna Conventions had led to a multiplication of privileges and immunities for special missions, some of which did not seem to be indispensable for the performance of their functions. Notwithstanding the observations made on that issue by various Governments, including his own, the draft articles still

suffered from judicial perfectionism. His delegation considered the over-abundance of privileges and the inconsistencies pointed out by the representative of Israel (960th meeting) to be grounds for further scrutiny of the draft articles.

19. As to procedure, his delegation had listened with great interest to the statements in favour of appointing the Sixth Committee as the body to conclude a convention on special missions and those in favour of convening a conference of plenipotentiaries for that purpose. Keeping an open mind, it would follow the majority view.

20. His delegation welcomed the Commission's decision to advance its work on succession of States and Governments in respect of treaties as rapidly as possible. The conference on the law of treaties to be held at Vienna in 1968 and 1969 would certainly benefit from that work.

21. Concerning the Commission's other activities, his delegation was particularly satisfied with the excellent results of the third session of the Seminar on International Law at Geneva, which was developing into an institution of international importance.

22. Mr. TILINCA (Romania) paid a tribute to the important work of the International Law Commission, which was indispensable for promoting the principles of justice in the relations between States, and he expressed his delegation's gratitude to the Commission and its Chairman. He stressed the substantial contribution made by Mr. Bartoš, the Special Rapporteur, to the preparation of the draft articles on special missions, which were remarkable from the point of view of both theory and practice.

23. The draft articles on special missions instituted a work of great importance for the codification and progressive development of diplomatic law, for they dealt with a kind of activity which had come into very wide use in a world characterized by vast changes. Romania, for its part, set a high value on the opportunities offered by *ad hoc* diplomacy, and its wide use of them had substantially contributed to the development of its friendly relations with the socialist countries and to the promotion of its co-operation with all States irrespective of their political and social systems.

24. The special mission, although related by its representative character to the diplomatic mission, was nevertheless distinct from the diplomatic mission by virtue of its specific task and its temporary duration. The Commission, while starting from the provisions of the Vienna Convention of 1961, had worked out its draft articles in the light of those factors and in accordance with international custom, the practice of States and the suggestions made by Governments.

25. With a view to the drafting of the final text, his delegation was submitting two observations to the Committee. First, the Commission had considered it impossible to define the functions of special missions, although the word "functions" occurred frequently in the draft articles. He therefore asked whether it would not be possible, by analogy to the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, to draft some

<sup>3/</sup> See *Texts of the Peace Conferences at the Hague, 1899 and 1907, with English translation*, edited by James Brown Scott (Boston and London, Ginn and Company, 1908), pp. 62 and 63.

provisions regarding the functions of the special mission, which in practice carried out almost the same tasks of representation, negotiation, information and promotion of political, economic, technical and scientific co-operation between States. Secondly, to establish a proper framework for the activities of special missions, the preamble of the future convention should include a statement of the principle that special missions were a form of diplomatic activity designed to promote the interests of international peace and security and to contribute to co-operation among States based on the principles of sovereignty and independence, equality of rights, non-interference in the domestic affairs of States, and mutual advantage.

26. While his delegation was convinced that the future study of the draft articles by Governments would certainly facilitate the codification of the topic, it felt that a procedure should be sought which would lead to the prompt elaboration of the convention.

27. In conclusion, he said that he welcomed the co-operation between the Commission and regional juridical bodies, as that provided an opportunity to gain a better understanding of regional particularities and to exchange experience in the dissemination of international law. The Seminar on International Law, the third session of which had just been held once again at Geneva, was a further factor in the dissemination of international law.

28. Mr. TSURUOKA (Japan) said that in drawing up the draft articles on special missions, the International Law Commission, its Chairman and the Special Rapporteur for that question had added one more to the long series of texts which had prepared the way for the conclusion of important multilateral international instruments and demonstrated the immense contribution which that Commission had made to the progressive development and codification of international law. He wished to express to them the gratitude of his Government.

29. The draft articles on special missions called for a few observations by his delegation concerning both the procedural aspects of the question and its substance. As to the former, it hardly seemed practicable to convene another diplomatic conference before 1969 to prepare the convention in question, quite apart from the fact that it would be better if the adoption of such an instrument should await the adoption of the convention on the law of treaties. The General Assembly could use the intervening period profitably by sending the draft articles on special missions to Member States and asking them to study them carefully, to provide specific examples of missions sent or received by them and to make any comments they wished, particularly concerning the application of the present draft articles to specific cases; during that trial period, the draft articles could continue to be considered by the Sixth Committee. Such information and discussion could not fail to expedite the conclusion of the convention by whatever body was entrusted with the task. Moreover, when one considered that the problems relating to special missions were solved case by case and, consequently, that it was more a matter of progressive development of international law than of the formulation of customary norms, it was all the more important to allow

Governments time to study the draft articles at leisure.

30. As to the substance of the question, the attitude of his delegation was mainly based on the conviction that the usefulness of special missions and their increasing role in the modern world stemmed from the fact that they were easy to organize and exchange. In the circumstances, his delegation thought that fewer formalities should be imposed on them than were required for diplomatic missions and that that consideration should be taken into account as well as the need to ensure them a status which would enable them to carry out their specific task effectively. By incorporating only such rules as were absolutely necessary for that dual purpose and by leaving States complete freedom to settle the other points, the exchange of special missions, which made such a great contribution to the strengthening of friendly relations between States, would be encouraged. On the other hand, that objective would be defeated if the future convention laid down principles that were too rigid and if it allowed no derogation from them. States which would be obliged to grant greater privileges and immunities than they deemed necessary for the fulfilment of the task assigned would then hesitate to ratify the convention.

31. With regard to the definition of special missions, on which depended the scope of application of the privileges and immunities laid down, the present draft articles were an improvement over the previous ones, but his delegation, like those of many other countries, would be happy if a further effort could be made to clarify and restrict the scope of the definition.

32. The very lucid explanation given by Sir Humphrey Waldock at the beginning of the current session (957th meeting) had no doubt helped to alleviate the fears felt by many delegations that the privileges and immunities granted under the draft articles might be excessive for certain special missions; he had, in fact, explained that the draft articles had a built-in element of flexibility in the requirement of consent which governed the establishment of any special mission and that none of their provisions prevented States from departing from the general rules laid down. For its part, the Japanese delegation thought that a certain latitude should be allowed in the application of the rules concerning the composition of special missions as well as those concerning their privileges and immunities.

33. In view of the very important political and legal implications involved in the recognition of States, his delegation thought that the provisions of article 7, paragraph 2 concerning non-recognition, should be the subject of further study in which the various factors would be taken into account. With regard to article 14, paragraph of which authorized the head of a special mission to address communications to the receiving State, he pointed out that while special cases might justify such a practice, the normal channel for such communications should be the permanent diplomatic mission in the receiving State.

34. Turning to the question of the future work of the International Law Commission, he said that he wel-

came the fact that priority had been given to a study of the succession of States in respect of treaties. He was convinced that the study would be carried out in such a way as not to prejudice the general problems relating to the succession of States and Governments. As for the question of State responsibility, he supported the decision of the Commission that only basic and general rules should be laid down and that that should be done as succinctly as possible.

35. His delegation noted with satisfaction that a session of the Seminar on International Law would henceforth be an annual event. He expressed the full acceptance by his delegation of the Report of the International Law Commission as a whole.

36. Mr. SAMATA (United Republic of Tanzania) said that the draft articles on special missions being considered by the Committee had brought the international community closer to the codification and democratization of the norms of international law on that subject. The Tanzanian delegation sincerely hoped that Member States would spare no effort to conclude a convention on special missions, based on the draft articles now under consideration, as soon as possible.

37. While expressing his delegation's support for the majority of the principles stated in the draft articles, he thought, like the representative of Nigeria (958th meeting), that the extent of the privileges and immunities to be granted to special missions should be determined exclusively by considerations of functional necessity. Article 31 on immunity from jurisdiction, for example, sought to grant special missions greater privileges and immunities than was really necessary; it should consequently be modified. Articles 30 and 36 also provided for excessive privileges and immunities. To extend the inviolability of private accommodation to junior members of special missions seemed, in particular, to be going much too far.

38. His delegation regretted, moreover, that certain articles had been drafted in terms which were too vague. Neither article 46, paragraph 2, nor paragraph 2 of the commentary accompanying that article threw any real light on the meaning of the word "facilities". In the form in which drafted, that article could give rise to a wider interpretation than that intended by the International Law Commission. It would, in fact, be sufficient to indicate in the article that the receiving State must allow the special mission a reasonable time to leave the territory.

39. His delegation welcomed the decision of the International Law Commission to continue the sessions of the Seminar on International Law, for they offered the participants a unique opportunity to broaden their understanding of international law and of the various legal systems. It would, however, like some information on the criteria applied in the selection of candidates.

40. The Commission had acted wisely in giving priority to the question of the succession of States and Governments, especially as a large body of rules of international law which had come into existence before the emergence of the less developed countries as independent States was still regarded in certain quarters as automatically binding on the new States.

In addition, the majority of the so-called customary rules of international law governing the succession of States and Governments were both inequitable and inadequate.

41. Mr. YANKOV (Bulgaria) expressed appreciation of the valuable work accomplished by the International Law Commission during its nineteenth session, including the preparation of draft articles on special missions, which constituted a further step in the progressive development and codification of international law. The draft articles, marked by realism and flexibility, represented an important attempt to fill an existing gap in the body of diplomatic law. The members of the Commission, and in particular the Special Rapporteur on that topic, Mr. Milan Bartoš, deserved the highest praise.

42. His delegation considered that, in general, the draft articles constituted an acceptable basis for a convention on the matter. It was commendable that the draft articles were modelled upon the provisions of the 1961 Vienna Convention on Diplomatic Relations and reflected the existing rules and State practice. At the same time, the Commission had done well to take that Convention as a model and starting-point but not to confine itself to a simple restatement of its provisions. The Commission had used those provisions *mutatis mutandis*, taking into account the specific character and functions of special missions and trying to meet some practical requirements inherent in that kind of State intercourse. That flexibility, which had sometimes resulted in innovations with regard to the corresponding provisions of the Vienna Convention, had proved to be of great practical value and would be conducive to the effectiveness of the convention as an important international instrument.

43. Slight modifications had been made to some provisions in respect of different instances of sending special missions. As examples of innovations, mention could be made of article 6 of the draft, relating to the sending of special missions by two or more States in order to deal with a question of common interest, and, even more, article 7, which dealt with the non-existence of diplomatic or consular relations and non-recognition. His delegation agreed with the International Law Commission that special missions could be particularly useful where no diplomatic relations existed; there were many instances where the very purpose of a special mission might consist in exploring the possibilities for the establishment of diplomatic relations or trying to pave the way for subsequent recognition through the initiation of trade or other relations between the sending and the receiving State.

44. As far as the legal nature and the functions of special missions were concerned, the Commission had succeeded in producing adequate and satisfactory provisions. Article 1 (a) and articles 2 and 3, as well as some other articles which directly or indirectly referred to the attributes of a special mission, determined in clear terms the character and the functions of special missions. First, a special mission must be a mission sent by one State to another, thus limiting its scope to inter-State relations. Secondly, the special mission must be invested with representative power by the sending State; in other words, it must have the legal capacity to express the will of the sending State within

the framework of its specified tasks. The extent of that power and the rank of the special mission did not affect the application of the standard provisions contained in the draft articles; article 21 represented a special case. Thirdly, the limited duration of a special mission, determined either by the expiration of a certain time-limit or by the completion of its tasks, defined its temporary character, which constituted an indispensable element in distinguishing it from a permanent mission. Finally, a special mission was defined by the specific nature of its task. The drafting on that point was satisfactory, since it made use of the broadest terms, which embraced any kind of specified task, regardless of its object and scope.

45. His delegation considered, however, that to the aforementioned attributes there should be added the requirement of mutual consent of the parties concerned in determining the functions of a special mission. The requirement of consent, which was involved in many provisions of the draft, flowed from the principle of sovereign equality of States and was the basis of *jus dispositivum*. While article 3 did stipulate that "the field of activity of a special mission shall be determined by the mutual consent of the sending and the receiving State", the application of that principle in different provisions relating to the establishment and functioning of special missions was marked by much flexibility. It found its expression also in many provisions relating to the legal status of special missions and the facilities, privileges and immunities accorded to them.

46. His delegation shared the understanding of the International Law Commission that every special mission should be granted everything that was essential for the regular performance of its functions, having regard to its nature and tasks, but that the Vienna Convention on Diplomatic Relations should be taken as the standard for granting facilities, privileges and immunities to special missions. Any delimitations and exceptions should not exceed the basic requirements for the regular performance of the functions of the special mission, having regard to its nature and tasks. That guiding principle found its expression in many provisions, including articles 22, 27, 28 and 44. Generally speaking, the provisions concerning the waiver of immunity or reciprocal reduction of facilities, privileges and immunities, embodied in articles 41 and 50 respectively, together with the aforementioned guiding principles, made any fear of excessively wide privileges unjustified.

47. Where procedure was concerned, his delegation supported the proposal that the convention should be drawn up by the Sixth Committee, subject to approval by the General Assembly at its twenty-third session. There were many arguments in favour of that course of action. The convention must be concluded as soon as possible and must be open for signature to all the States which wished to accede to it, without any limitations of a discriminatory nature. A convention of that kind, which did not consider the lack of recognition or the non-existence of diplomatic relations an obstacle to the sending of special missions, must enjoy universal recognition and accession by all interested States. An express provision to that effect should be embodied in the draft.

48. With respect to the organization of the future work of the Commission, his delegation agreed with the Commission's decisions, as indicated in chapter III of its report, but would like to observe that the division of the subject of succession of States and Governments into three main headings, assigned to more than one special rapporteur, might have some disadvantages affecting the integrity of the subject, the need for uniformity in the treatment of the substance of the matter, and the adoption of unified terminology.

49. Finally, he commended the Commission on its decision to give priority to the topic of the most-favoured-nation clause in the law of treaties and on the successful holding of the third session of the Seminar on International Law.

50. Mr. SUCHARITKUL (Thailand) said that the work of the International Law Commission should be assessed in the context of its over-all programme, and not simply on the basis of its yearly output. In the field of codification and progressive development of international law, the Commission had rendered invaluable services and had made great efforts to give effect to the views of countries which until recently had had no opportunity to contribute to the making or the development of international law. International law as currently in force had begun to develop on the basis of State practice which had become crystallized at the time when Europe had been the centre of international relations, while Asian, African and Latin American nations had been in no position to participate fully in international law-making. Customary international law had tended to serve not so much the justice which should prevail in international relations as the interests of the more powerful nations in the apportionment among themselves of spheres of influence over weaker sovereign entities. Although contemporary international law was not so unjust as the gunboat diplomacy of the past, there was still ample room for further improvement. A useful role had been played by the International Law Commission, in which the Asian and African States had an opportunity to express their views and to help in modernizing international law by weeding out the existing injustices and inequalities.

51. The draft articles on special missions represented a significant step in the codification and progressive development of the law on *ad hoc* diplomacy. The Commission had adopted a satisfactory definition of the notion of special missions, the nature and character of which might differ considerably. The draft articles were appropriately based on the principle of consent. Once consent was established, however, its content would have to be measured in relation to the significance of each mission; the questions of tax exemption, privileges and immunities and inviolability would have to be considered in the light of the specific functions of each special mission. The extent of the privileges and immunities might vary according to the importance which the parties concerned attached to the mission, and it might also depend on the status of the members of the mission. His delegation was prepared to participate fully in any discussion leading to the adoption of articles regulating the régime of special missions.

52. He was pleased to note that the Commission had continued to maintain active and fruitful relations with other regional bodies concerned with international law, notably the Asian-African Legal Consultative Committee. He hoped that that practice would be continued, since it enabled the views of Asian and African

countries to be better known and fostered better understanding of the different legal systems. Thus a broader basis was provided for the progressive development of international law.

*The meeting rose at 12.35 p.m.*