



CONTENTS

	Page
<i>Agenda item 85:</i>	
<i>Report of the International Law Commission on the work of its nineteenth session (continued)</i>	59

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, A/C.6/L.617/Rev.2, A/C.6/L.618)

1. Mr. MIRAS (Turkey) expressed his delegation's appreciation of the excellent report (A/6709/Rev.1 and Corr.1) submitted by the International Law Commission. The main feature of the report was the draft articles on special missions (*ibid.*, chap. II). Following upon the Vienna Convention on Diplomatic Relations adopted in 1961^{1/} and the Vienna Convention on Consular Relations adopted in 1963,^{2/} the fifty articles covered a branch of diplomatic activity which had assumed great importance and variety in recent years. The codification of the rules governing special missions would be a valuable contribution to the development of relations between States. The task was not an easy one because, while the rules governing permanent diplomatic and consular representation were well established and often centuries old, the rules governing special missions were few, recent and imprecise.

2. The Commission had been called upon to break fresh ground in drafting the articles on special missions, for the latter presented many important differences from the traditional type of *ad hoc* diplomacy. There had been little study of the topic in the past and, as the practice of special missions had developed independently of theory, the Commission, wishing to produce as comprehensive a text as possible, had made frequent borrowings from the rules of permanent diplomacy, which had already been codified, and had given legal status to certain rules of international courtesy. What his delegation found most striking was the large number of new provisions codified for the first time in the draft articles.

3. As his delegation had not yet had time to study the draft articles thoroughly, he would confine himself

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

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

to mentioning a few points which had attracted its special attention. The main feature of part I of the draft, which dealt with the sending and conduct of special missions, was the definition of a special mission. Article 1 (a) indicated that the determinant of a special mission was its "representative and temporary character". That representative character limited the number of missions coming within the scope of the draft articles, thus leaving aside official visits. That was a great improvement over the previous text, which had had a much larger scope. However, the meaning of the term "representative . . . character" should be clarified through the addition of a clause specifying the method of accreditation by the sending State. The reason why there was no such provision in the 1961 Vienna Convention on Diplomatic Relations was that international custom and national legislation already provided clear rules on the sending of permanent diplomatic missions and the accreditation and sending of ambassadors and plenipotentiaries. Although international custom did provide some rules on such matters as high-level visits, extraordinary missions of ambassadors and ministers plenipotentiary and the negotiation and conclusion of treaties, the practice with respect to special missions varied from case to case. It should be made clear whether the draft articles were to apply only to such classic cases as he had mentioned or whether they were to extend also to more modern kinds of non-permanent diplomacy. That might be done by adding to the draft articles on special missions the rules which should govern the appointment of the principal members of a special mission, as was done, for example, in article 6 of the draft articles on the law of treaties in respect of full powers to represent the State in the conclusion of treaties (A/6309/Rev.1, part II, chap. II). Such provisions would complete the definition of special missions and would put an end to the appointment of missions by State bodies whose competence was not proven. His delegation further considered that the application of the proposed convention on special missions should be limited to the sovereign activities of States, leaving aside their secondary activities.

4. In his delegation's view, sub-paragraphs (b) and (c) of article 1 on use of the terms "permanent diplomatic mission" and "consular post", respectively, should be deleted, as they presupposed that the parties to the convention on special missions would also be parties to the two Vienna Conventions, which was not necessarily the case.

5. In addition to such points of principle as were set out in article 1, the draft also contained certain matter which might lead to practical difficulties. For example, under article 43 on transit through the territory of a third State, in paragraph 4, a request for a visa to a

third State was treated as equivalent to a notification of intended transit through its territory. That provision might create considerable, and at times unnecessary, work for the third State concerned. His delegation also felt that the privileges and immunities granted to special missions by the draft articles were too extensive. They should be limited to the strict minimum that was necessary for the performance of the mission's task. Although the draft articles still needed to be worked on, the text was a valuable and important achievement and could well serve as a working document for the formulation of a convention on special missions.

6. As for the procedure to be followed in preparing a convention, his delegation considered that a conference should be convened for the purpose. The subject was too important and too technical for thorough discussion in the Committee, which already had a very heavy work-load. Any hasty decision should be avoided. Since there was little or no existing national or international legislation on the privileges and immunities of special missions, extensive preparatory study would be needed for the preparation of a convention that would be acceptable to as many States as possible. However, his delegation would be open to any other suggestion which offered the same possibilities as a conference for the adequate preparation of a convention.

7. Turning to chapter III of the report, he noted with satisfaction the Commission's decision to proceed with its study of the three topics of succession of States and Governments, State responsibility, and relations between States and inter-governmental organizations. His delegation fully approved the programme for the future work of the Commission. He was gratified at the success of the third session of the Seminar on International Law and hoped that the Seminar would be continued. It might be useful if the text of the lectures given at the Seminar were published.

8. Mr. ALCIVAR (Ecuador) said that the draft articles on special missions, which formed the main part of the report of the International Law Commission, were the logical corollary to the Vienna Convention on Diplomatic Relations. Since there were for special missions no such customary norms as had governed practices relating to permanent missions before 1961, the greatest appreciation was due to Mr. Milan Bartoš, the Special Rapporteur, for the valuable work he had done in a new field. His delegation would not comment on the draft articles at the present time, since the text required thorough and careful study.

9. Legal norms were created as a result of continuous practice over a long period of time, and the need for legislation, both nationally and internationally, grew out of the social situation. The codification of norms of international law usually took the form of a convention, which was subject to fewer differences of interpretation than rules sanctioned only by custom. With regard to the convention in which the draft articles on special missions were to be embodied, his delegation considered that the Sixth Committee was a suitable forum for its preparation. The convening of an international conference did not appear justified. The United Nations was the international community, juridically organized; and it stood for universality; it was un-

doubtedly best suited to draft a new instrument of international law, and his delegation with the delegations of Argentina, Cameroon, Canada, Guatemala and Nigeria had accordingly co-sponsored a draft resolution (A/C.6/L.618) proposing that an item entitled "Special missions" should be included in the provisional agenda of the twenty-third session of the General Assembly.

10. While commending the excellent work which had been done by the International Law Commission, his delegation hoped that it would soon be able to complete its study of the other important items on its work programme, such as succession of States and Governments, State responsibility, relations between States and inter-governmental organizations and, in particular, most-favoured-nation clauses in the law of treaties which was of major importance for the codification of international trade law. It also hoped that work would soon be begun on the topic of the right of asylum, which was of particular concern to Latin American countries.

11. He congratulated the United Nations Office at Geneva on the success of the third session of the Seminar on International Law. The twenty-three participating students had included a young official from the Ministry of Foreign Affairs of Ecuador, and he wished to thank the Government of Denmark for granting the scholarship which had enabled the official to attend. He hoped that the Commission would continue to organize such seminars, as they were a valuable contribution to the training of foreign ministry officials from the developing countries.

12. His delegation wished to express its appreciation to the Chairman of the International Law Commission for his attendance at the Committee's meetings and the statements which he had made. He also welcomed five of the members of the International Court of Justice to the present session of the General Assembly.

13. He paid a tribute to the memory of Mr. de Luna and asked the representative of Spain to convey his delegation's condolences to the Spanish Government and to Mr. de Luna's family.

14. Mr. CHEN (China) said that his delegation had made a careful study of the draft articles on special missions and considered them generally acceptable as a basis for the conclusion of a convention, since they derived primarily from the provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations. In draft article 7 on non-existence of diplomatic or consular relations and non-recognition, the Commission had avoided giving a definite answer to the question whether the sending or reception of a special mission constituted an act of recognition, on the ground that the problem lay outside the scope of the topic of special missions. In view of the fact that recognition was a highly political act with important consequences, and in order to avoid possible confusion or dispute in the future, his delegation supported the Ceylonese representative's suggestion, at the 959th meeting, for the addition of a third paragraph to article 7.

15. With regard to the privileges and immunities of special missions, some representatives considered that the draft articles extended too much to too many.

His delegation shared the view that such privileges and immunities should be strictly controlled by the consideration of functional necessity and should be limited to the minimum required to ensure the efficient discharge of the duties of special missions. As for the last sentence of paragraph 1 of article 25 on inviolability of the premises, which reproduced in part the last sentence of paragraph 2 of article 31 of the 1963 Vienna Convention on Consular Relations,^{3/} his delegation took the view that, since that provision was acceptable in the case of a consular office, there was no reason to fear its abuse with regard to a special mission, which was temporary in character and was likely to share buildings with other occupants by short-term lease or otherwise.

16. In article 16 on the rules concerning precedence, paragraph 1 presented a technical problem, inasmuch as some countries like his own did not use an alphabet. His delegation considered that paragraph 1 should be brought into harmony with paragraph 2 of the same article, and that precedence among special missions should be governed by the protocol in force in the host State.

17. His Government was gratified that the Commission had already set the date for its twentieth session, that it had decided to take up the question of succession of States and Governments in respect of treaties at that session, and that many of its members had been generous enough to help the third session of the Seminar on International Law in the summer of 1967.

18. Mr. CHAMMAS (Lebanon) commended the International Law Commission on its excellent work at the nineteenth session and endorsed the Commission's approach to the topic of special missions. His delegation agreed with the majority of those who had spoken that the General Assembly, and through it the Sixth Committee, should be entrusted with the task of preparing a convention on special missions.

19. The draft articles were excellent on the whole. Greater uniformity of terminology was desirable, however, and some articles should be deleted or merged. In paragraph 2 of the commentary on article 7, the Commission stated that it had not decided the question whether the sending or reception of a special mission prejudged the solution of the problem of recognition, as that problem lay outside the scope of the topic of special missions. His delegation agreed that the problem of recognition was outside the scope of the topic, but, as article 7, paragraph 2, had been included in the draft, it would be useful to have a study, prepared by the Commission, laying down guidelines on when an exchange of special missions implied recognition and when it did not.

20. His delegation assumed that the "members of the diplomatic staff" referred to in article 1 (h) were regular members of the diplomatic corps in the receiving State; if that was so, it should be stated expressly, perhaps in the commentary.

21. His delegation doubted the usefulness of the provision in article 16, paragraph 1, that precedence should be determined according to the alphabetical order of the names of the sending States. A receiving

State might wish to adopt other criteria. Article 16, paragraph 2, relating to ceremonial missions, should have been omitted, in line with the Commission's general policy of not making special provision for any of the various types of special missions.

22. According to established practice, when a Head of State on an official visit stayed on as a private visitor, he continued to enjoy all the courtesies extended to him as an official visitor. Article 21 on the status of the Head of State and persons of high rank, however, seemed to imply that the official visit terminated when the special mission was concluded. It might therefore be advisable to include an additional article stating that the privileges and immunities to which a Head of State was entitled under international law would not be reduced and were additional to those accorded to him as a member of a special mission.

23. As an example of inconsistent terminology, he cited the expression "required for the performance of its functions" in article 22 and the expression "necessary for the performance of the functions of the special mission" in article 27. His delegation preferred the term "necessary".

24. His delegation assumed that the words "wherever situated" in article 28, paragraph 1, were intended to mean "wherever situated in the receiving State". If that was correct, the limitation to the territory of the receiving State should be expressly stated.

25. His delegation endorsed the decisions of the Commission regarding its future work and wished it success in its endeavours.

26. Sir Humphrey WALDOCK (Chairman of the International Law Commission) assured the members of the Committee that the various points and suggestions they had made regarding the future work of the Commission would be summarized and brought to the Commission's attention in connexion with the forthcoming review of its programme and methods of work. He had listened carefully to the illuminating comments that had been made concerning the draft articles on special missions and would like to offer a few explanations concerning the broader points raised. He was sure that Mr. Bartoš, the Special Rapporteur, would be glad to provide clarifications on questions of detail.

27. A number of representatives had emphasized the need for a clearer drafting of article 1 (a) on use of the term "special mission". The representative of Iraq, for instance, had suggested (958th meeting) that the term "representative" should be given the widest possible interpretation, so that it covered representation of a Government in any of its parts. The Committee would no doubt agree that that element should be made as precise as possible. However, he drew attention to paragraph 1 (e), which stated, "A 'representative of the sending State in the special mission' is any person on whom the sending State has conferred that capacity". That provision should be of some help in clarifying what was meant by "representative... character"; in drafting it, the members of the Commission had felt that there must be certain persons in the mission on whom specific functions of representation had been conferred. In any case, he was sure

^{3/} *Ibid.*, p. 180.

that whatever could be done to improve the provision would be to the advantage of the future convention.

28. Some members of the Committee had expressed doubts regarding the extent of the privileges and immunities to be accorded to a special mission, while others had pointed out the difficulty of curtailing them without the risk of impairing the mission's functions. Although it was primarily for Governments to seek a proper balance, the Commission had given anxious consideration to the question and had not lightly assumed that all the privileges and immunities afforded to permanent diplomatic missions should be transferred to special missions. It had merely felt that it would be hard to reduce the number of inviolabilities and immunities without prejudicing the functioning of special missions.

29. The provision in article 7, paragraph 2, regarding recognition had been inspired to some extent by a provision in the Vienna Convention on Consular Relations. However, the latter provided for a very different contingency—the severance of diplomatic relations. He thought it wise for the Commission to leave the entire question open, since there was little guidance it could give at the present time. However, recognition was one of the topics to be reconsidered at the Commission's twentieth session, and its members would take note of the comments that had been made in the Sixth Committee.

30. The provision contained in the last sentence of paragraph 1 of article 25 was very much a matter for appreciation by Governments. In the light of the observations that had been made, he could say that the Commission had never intended to attenuate the inviolability of special missions in that context. There had been a difference of opinion in the Commission, and the point of view of those favouring the provision had been that, in many cases, a special mission would be housed in the premises of a permanent mission and the law governing permanent missions would then apply. In other cases, however, the special mission might be lodged in a hotel or an apartment building, where any fire or other disaster would constitute a threat to the nationals and property of the receiving State. It had therefore been thought that the provision in the Convention on Consular Relations was to be preferred.

31. As for article 50, concerning non-discrimination, the Commission had appreciated the fact that it was not easy to draft the provisions so as to make them meaningful in the light of the strong consensual and flexible element in the draft articles. Paragraph 2 made large exceptions to the provision of non-discrimination. The object of paragraph 1 was to assert the general principle of equality of States.

32. On behalf of the International Law Commission and the Special Rapporteur on special missions, he thanked the Committee for the reception it had given to the Commission's report and expressed appreciation to individual representatives who had paid tributes to the work accomplished by the Commission.

33. The CHAIRMAN noted that the general debate on the report of the International Law Commission was concluded, and invited the Committee to consider the draft resolutions on the Commission's work submitted

by Bulgaria, Colombia, Ecuador, Guatemala and Nigeria (A/C.6/L.617/Rev.2) and by Argentina, Cameroon, Canada, Ecuador, Guatemala and Nigeria (A/C.6/L.618).

34. Mr. SAMATA (United Republic of Tanzania) said that his delegation felt some concern about certain aspects of draft resolution A/C.6/L.618. In so far as it envisaged the conclusion of a convention on special missions, his delegation supported it. However, it inexplicably stopped short at that point and failed to indicate how, when, or by whom the convention was to be drawn up. It simply called for comments from Governments and for what could only be a repetition of the current debate at the twenty-third session. Since an overwhelming majority of the members of the Committee favoured a convention on special missions, there seemed to be no obstacle to incorporating in the draft resolution a decision in principle on whether such a convention should be prepared in the Sixth Committee or at a specially convened diplomatic conference.

35. As he had stated earlier, his delegation considered that the task of drafting a convention on special missions should be done by the Sixth Committee. The past and probable future work of the International Law Commission and of the Committee provided no subject so suitable for the conclusion of a convention by the Committee as the subject of special missions. The topic had been exhaustively studied by the International Law Commission, and the convention would be modelled on the 1961 Vienna Convention on Diplomatic Relations—two factors which would considerably lighten the task of the Sixth Committee. There was also the factor of expense, which was of cardinal importance to the smaller States in a world of increasing costs and of proliferation of international meetings. The added burden would be twofold, in that the holding of an international conference would mean an increase in the budget of the United Nations to service it and an increase in States' expenditure because of the cost of sending delegations. That would be a needless diversion of financial resources from other, more pressing priorities. Moreover, it seemed unreasonable when the task could be done during the regular session of the General Assembly, to devote four or five extra weeks to a conference, especially as the conference schedule was already overcrowded. The general debate had shown that most delegations favoured the early conclusion of a convention on special missions by the Sixth Committee, and he suggested that the resolution adopted by the Committee should embody a decision in principle on that point.

36. With regard to the question of timing, the Committee could begin work on the convention either in 1968 or in 1969, as delegations found convenient, having regard to the necessary preparatory work. If 1968 was too early, the later date would allow the necessary time for preparatory work and for the advance submission of proposals and of amendments to the International Law Commission's text. Should 1969 be decided upon, the subject of special missions should not be included in the agenda for the twenty-third session, in order to avoid a repetition of the present debate in 1968. Alternatively, the work might be divided into two parts: first, in 1968, a general debate on the substance of the articles, and then in

1969, an article-by-article consideration of the Commission's text, either by the whole Committee or by a suitably constituted sub-committee. It was essential to decide at the present session when and by whom the convention on special missions was to be concluded.

37. Sir Kenneth BAILEY (Australia) said that his delegation cordially concurred in the expression of appreciation to the International Law Commission which was proposed in draft resolution A/C.6/L.617/Rev.2, paragraph 2. The comprehensive set of draft articles stating the law applicable to special missions which the Commission had adopted at its nineteenth session rounded off its earlier studies and recommendations on the law of diplomatic and consular relations and put the United Nations family in a position, if it so wished, to supplement the two Vienna Conventions by a third on the methods of ad hoc diplomacy.

38. With regard to the recommendations proposed in draft resolution A/C.6/L.617/Rev.2, paragraph 4, his delegation thought that the Commission itself had adopted a most efficient and comprehensive programme of work, which deployed its resources to the best advantage and promised steady advances during the next year or two in the development and codification of international law. His delegation would have been content to endorse the programme in the precise form adopted by the Commission, and it therefore welcomed the revision of paragraph 4 (c) in the text now before the Committee. In its revised form, paragraph 4 (c) went no further than to underline the importance of the topic of State responsibility. His delegation agreed with that assessment and supported paragraph 4 as a whole, on the understanding that the draft resolution was not to be construed as urging the Commission to modify the priorities it had adopted.

39. His delegation was in full accord with the sentiment expressed in paragraph 5. The sessions of the Seminar on International Law were an invaluable experience for everyone who was chosen to participate and offered real promise of progressively greater understanding of the place and function of law in international relations, but participation in them was a heavy additional burden upon members of the Commission and others. The draft resolution should be understood as implying the deep gratitude of all delegations to the members of the Commission and to those who had made scholarships available.

40. His delegation was also in general agreement with draft resolution A/C.6/L.618. The preparation of the draft articles and commentaries on special missions had been a remarkable achievement, which owed much to the talents and industry of Mr. Bartoš, the Special Rapporteur, and the Australian delegation joined in the deserved tribute paid to him in paragraph 1 of the draft resolution.

41. The request to Member States, contained in paragraph 2 of the draft resolution, to submit written comments on the draft articles followed the ordinary practice but was particularly important in the present instance. The comments already submitted by Governments had related to an earlier text of the articles and had been taken into consideration by the Commission. Moreover, the further comments now invited

would no doubt be directed particularly to the points of difficulty disclosed in the course of the Committee's current deliberations. The comments of Governments should throw much light on the question whether a diplomatic conference of plenipotentiaries was the appropriate forum for the drawing up of a convention or whether the task could appropriately be undertaken by the Sixth Committee.

42. His delegation shared the concern of other delegations on two points: firstly, the manner in which a special mission, properly so called, was to be distinguished from the quite common institution of a visit under official auspices and, secondly, the nature of the privileges and immunities to be accorded to special missions in general and to any individual special mission in particular.

43. His delegation conceded that the draft articles contained a number of provisions distinguishing special missions from diplomatic missions, but thought that the distinctive features of the special mission might be found to justify greater variations from the Vienna pattern than the draft articles provided.

44. Moreover, the degree of flexibility imported into the text by the provisions permitting States by agreement, on an ad hoc basis, to vary the privileges and immunities provided by the Vienna norm was likely in practice to be much less than was desirable. After all, the Vienna norm would apply unless both sides agreed to substitute something less for it. If there was no agreement on the Vienna norm or on some replacement for it, the only alternative was to abandon the project for a special mission altogether. Further close thought must therefore be given to the standard pattern of privileges and immunities.

45. There seemed to be fairly general agreement on the principle that privileges and immunities should be restricted to those which were necessary for the proper functioning of the special mission concerned. What was needed was closer consideration of the way in which that principle should be worked out for the broad categories of special missions that were most commonly sent and received. His delegation recognized the inherent difficulties of framing a definition which had to cover such a diversity of types, and it also recognized the need to distinguish special missions from the very amorphous category of visits under official auspices, in respect of which no question of a special régime of privileges and immunities would arise. Australia, because of its geographical position, was in the habit of sending large number of official visits to countries abroad, whether in the category of special missions or otherwise.

46. His delegation did not believe that the necessity of a convention on special missions had been fully demonstrated. After all, States were familiar enough with the problem and did habitually reach ad hoc agreements concerning the status and régime to be accorded to special types of special missions. Nevertheless, his delegation was willing to fall in with the wishes of the majority and to concede the desirability of having a convention on the subject.

47. On the question of the forum in which the convention should be concluded, his delegation's pre-

liminary view was that the points of divergence concerned matters of such technical detail, but at the same time had such substantial diplomatic and political consequences, that the convening of a conference of plenipotentiaries seemed the wiser course. It took that view because of the voting rules in the Main Committees of the General Assembly and because of the limited opportunity for considering texts in detail in the General Assembly itself. Whether that view was correct would become evident in the light of the comments received from Governments in 1968, and the General Assembly would therefore be in a better position to decide the question definitively at its twenty-third session. Questions of time were not really decisive in the matter. The deferment of a decision on the choice of forum was not likely to make much difference in the time taken to conclude the convention. Questions of expense, on the other hand, were important to Member States and to the United Nations itself. His delegation felt that the subject of special missions, taken by itself, might be rather restricted for a conference and suggested that it might be joined with a cognate subject. It was possible that either the whole subject of relations between States and inter-governmental organizations or the topic of the privileges and immunities of representatives of States to inter-governmental organizations might be ready for consideration by a conference at the same time as the draft articles on special missions. For those reasons, his delegation did not consider it necessary or desirable for the Committee to take a decision on the issue of the forum at the current session.

48. Mr. KHLESTOV (Union of Soviet Socialist Republics), commenting on draft resolution A/C.6/L.617/Rev.2, said that it was appropriate for the Sixth Committee to adopt a resolution encouraging the International Law Commission to continue its work, as speedily as possible, in view of the growing importance of international law as a means of promoting peace and security and eliminating tensions. Apart from some minor reservations on points of drafting, his delegation therefore approved of the draft resolution.

49. In draft resolution A/C.6/L.618, the Assembly would quite rightly express its appreciation to the International Law Commission for its valuable work on special missions. However, the draft failed to reflect the fact that a large proportion of the Committee's membership—possibly a majority—was in favour of the conclusion of a convention on the subject by the Sixth Committee. A number of very convincing arguments had been advanced in favour of that course, which not only would afford considerable savings but would enable the Sixth Committee to live up to its role as the main legal organ of the United Nations. The Committee had done valuable codification work in the early days of the Organization but had produced no legal instruments of note during the past ten years. That inactivity inevitably diminished the Committee's prestige, especially as other Main Committees of the General Assembly had succeeded in preparing a number of covenants and conventions in recent years. Moreover, the question of special missions was one that urgently needed regulating. Conventions had been concluded on related topics, and States were beginning to deal with the question in their national legislation.

The subject was especially important to the newly independent nations.

50. It was curious that the question of special missions should have been under consideration for seven years by United Nations organs, whereas the Convention on the Privileges and Immunities of the United Nations had been completed in a single year. If the Committee had been capable of efficiently organizing its work in earlier years, it should have no difficulty now in accomplishing the task of drawing up a convention on special missions. The Committee should therefore adopt a draft resolution outlining practical measures for the organization of its work in such a way that it could consider substantive draft articles for a convention on special missions at the twenty-third session of the Assembly.

51. He did not wish to counsel haste, but saw no reason for postponing a decision on the forum for the adoption of a convention until the twenty-third session of the Assembly. The arguments in favour of holding a conference of plenipotentiaries were, in his view, quite unjustified, since such a conference could not be convened until 1970. Moreover, the Sixth Committee would be perfectly equal to the task if specialists were invited to attend its next session and its work was properly streamlined. There was no reason to believe that the conventions prepared by the Sixth Committee in the past were inferior to conventions prepared at conferences, and the Committee should not, therefore, obstruct the brilliant progress that had been made by the International Law Commission in codifying an important topic.

52. Mr. DE BRESSON (France) pointed out that the question of special missions presented far more difficult and complex problems than that of diplomatic or consular relations. Moreover, the draft articles, however competently prepared, still posed problems that required careful study by experts—not only jurists, but also specialists in matters of taxation and Customs—whose views would have to be heard. Lastly, it was in the general interest to draw up a convention that would receive the widest possible support from States.

53. Those considerations led his delegation to think that it would be preferable to refer the draft articles to an inter-governmental conference. He recalled that even the simplest problems regarding diplomatic and consular privileges and immunities had seemed sufficiently complex to warrant the adoption of a convention by a conference. It was therefore only logical that the even more difficult problem of special missions should be dealt with in such a way. Nevertheless, France appreciated the financial considerations that had been raised and had no rigid views regarding the forum for the conclusion of a convention. What it did consider essential was that the draft articles should be given the necessary study in depth by competent persons. His delegation still thought that the best solution would be to allow time for a better assessment of all the problems involved before taking a decision regarding the procedure for the conclusion of the convention. Governments still needed time to make detailed comments on the draft articles, and the solution proposed in draft resolution A/C.6/L.618 was very sensible in view of the differences of opinion that still existed in the Committee.

54. Mr. ENGO (Cameroon) said that delicate negotiations were in progress in an attempt to reconcile opposing views and to maintain the spirit of co-operation that characterized the Sixth Committee. As a sponsor of draft resolution A/C.6/L.618, he appealed to the members of the Committee to refrain

from any comments that would not be conducive to the compromise which was being sought. One of the sponsors of the draft resolution would shortly be explaining the precise reasons for its submission.

The meeting rose at 5.40 p.m.