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agrément should be written into the convention. It was not enough to say that the time limit should be reasonable, as in the amendment of Italy and the Philippines. That reasonable time limit should be specified. What was the criterion ? The Ceylonese amendment was more categorical and unequivocal.

41. Mr. CARMONA (Venezuela) said that, as his delegation had stated before, the receiving State should have the right not to give its reasons for refusing the agrément. He therefore supported the Argentine amendment (L.37), which codified a universally accepted principle of international law.

42. The time limit within which the receiving State should grant its agrément was the subject of two similar amendments (L.28 and L.43). It was a fact that excessive delay by the receiving State in granting the agrément created an equivocal situation which in some cases had led to the rupture of diplomatic relations. For that reason the amendments, each of which had its merits, were justified.

43. Mr. de ERICE y O'SHEA (Spain) said that, in view of the remarks of the United Kingdom and Soviet representatives, his delegation withdrew its amendment (L.42) to article 4. It would support the joint amendment of Italy and the Philippines (L.43) and the Ceylonese amendment (L.28), although the wording of the latter was not entirely satisfactory, since it imposed an uncalled-for obligation on the receiving State; the word " reasonable " should be deleted from the joint amendment. The Spanish delegation also supported the Argentine amendment (L.37), which affirmed a generally accepted practice.

44. Mr. MAMELI (Italy) stated that, in a conciliatory spirit and in agreement with the Philippine delegation, he would not press the joint amendment (L.43) to a vote, though he hoped that it would be referred to the drafting committee with a recommendation.

45. Mr. KRISHNA RAO (India) said he was satisfied with the text of article 4, but would not have opposed the amendment submitted by Italy and the Philippines (L.43). He agreed with the United Kingdom representative's interpretation of the word " agrément ". He supported the Argentine amendment (L.37), but suggested that it should be revised to read: " If the receiving State refuses agrément it need not give its reasons."

46. Mr. TAWO MBU (Nigeria) said he would not support any of the amendments proposed for article 4, since he considered it fully satisfactory.

47. Mr. OJEDA (Mexico) supported the Argentine amendment (L.37).

48. Mr. LINARES (Guatemala) did not consider it necessary to impose a time limit for the agrément. It would be better to retain article 4 as it stood.

49. Mr. PINTO de LEMOS (Portugal) was of the same opinion. A time limit could create difficulties more serious than those it was designed to avoid. A time limit would in any case depend on the circumstances, of which the receiving State should be the sole judge.

50. Mr. VALLAT (United Kingdom) said he understood the concern of those delegations which wished to codify the right of the receiving State not to give reasons for its refusal, and to impose a reasonable time limit for the decision concerning the agrément. But was it really wise to write those principles into the convention ? First of all, the provisions of the convention would clearly be applied in a reasonable manner. Furthermore, if the principle of non-obligation of the receiving State in a certain respect were stated in one article, it must also be stated in regard to other cases in other articles. The United Kingdom representative therefore appealed to the Argentine delegation to withdraw its amendment.

51. Mr. BOLLINI SHAW (Argentina) regretted that he could not oblige the United Kingdom representative. An important question was at stake; moreover, the Argentine delegation had the impression that its proposal was supported by a majority.

52. The CHAIRMAN put the Argentine amendment to article 4 (L.37) to the vote.

The amendment was adopted by 31 votes to 9, with 28 abstentions.

53. Mr. PINTO de LEMOS (Portugal) explained that, though supporting the Argentine amendment in principle, he had not voted for it in view of its possible effects on the general structure of the convention.

Article 4, as amended, was adopted.

The meeting rose at 12.55 p.m.

TENTH MEETING

Friday, 10 March 1961, at 3 p.m.

Chairman: Mr. LALL (India)

Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (A/CONF.20/4) (*continued*)

Article 5 (Appointment to more than one State)

1. The CHAIRMAN invited debate on article 5 of the International Law Commission's draft (A/CONF.20/4) and drew attention to the amendments to that article submitted by a number of delegations.[1]

2. Mr. CASTREN (Finland), introducing his delegation's amendment (L.75), said that it conformed to international practice, improved the wording, and made

[1] For a list of the amendments to article 5, see the summary record of the fifth meeting (footnote to para. 1).

it more favourable to the smaller States. Article 5 as it stood would enable a receiving State which had already given its agrément to a head of mission to object to the extension of his territorial competence to a third State, though that was purely a matter between the sending State and its head of mission. The purpose of the amendment was to exclude that possibility and to subject multiple accreditation only to the provisions of article 4 concerning the agrément. The receiving State could thus attach to its agrément the condition that the head of mission should not be accredited also to another State. Moreover, by article 8 it could declare a head of mission persona non grata if it had very serious objections to his accreditation to another State.

3. Mr. SUFFIAN (Federation of Malaya) said that his delegation's amendment (L.44 and Corr. 1) would require for multiple accreditation the consent of all the receiving States. The same idea was contained in the United States amendment (L.19) and the Italian amendment (L.40), and his delegation was willing that all three amendments should be referred to the drafting committee if the principle were approved that the States concerned should be approached before a second accreditation, rather than being obliged to raise objections (if any) afterwards.

4. His delegation could not support the amendment proposed by Ceylon (L.71), because it did not require prior notification; nor could it support the Finnish amendment (L.75), which appeared altogether to prevent the first receiving State from objecting.

5. Mr. YASSEEN (Iraq) said that article 5 expressed an existing practice, but the proviso " Unless objection is offered by any of the receiving States concerned " was unsatisfactory. It would be clearer if it referred to express acceptance by all the States concerned, an idea contained in three amendments (L.19, L.40 and L.44 and Corr.1). Diplomatic relations were extremely delicate, and it was undesirable to place any of the States concerned before a fait accompli. It was therefore better to provide for prior consultation with all the States concerned than for subsequent objections by them.

6. Mr. MENDIS (Ceylon) introduced his delegation's amendment (L.71). For economic reasons and owing to shortage of staff, Ceylon was one of the leading exponents of multiple accreditation. As article 5 stood, if a head of mission was accredited to more than one receiving State, the consent of all would be required for his accreditation to yet another. That procedure was too cumbersome, and there appeared to be no reason why the sending State should take into account the views of all those countries. The purpose of the amendment was to provide that only the State of first accreditation would be entitled to object.

7. Mr. CAMERON (United States of America) said that his delegation agreed with that of Malaya that the receiving State should be consulted before accreditation to another State. That was the purpose of the first of the United States amendments (L.19).

8. The other two United States amendments were intended to recognize the frequent state practice of appointing a member of the diplomatic staff of the mission to one receiving State to perform functions in another. Thus the head of the mission of country A in country B, who was also accredited in country C, might act there through a member of his staff in country B.

9. Mr. ZABIGAILO (Ukrainian Soviet Socialist Republic), introducing his delegation's amendment (L.83), said that the proviso " Unless objection . . ." limited the sending State's freedom of accreditation in a manner completely at variance with existing practice. He drew attention to the first paragraph of article 5 of the Havana Convention: " Every State may entrust its representation before one or more Governments to a single diplomatic officer." (A/CONF.20/7)

10. In practice a receiving State hardly ever objected to a second accreditation. It was quite unnecessary to provide for exceptional cases, because they could be dealt with by other means.

11. The amendments of Italy, Malaya and Ceylon were open to the same objections as article 5 itself. The United States amendment went even further than article 5 by imposing the further condition of prior notification.

12. Mr. MAMELI (Italy), introducing his delegation's amendment (L.40), said that its object was to oblige the sending State to inform all other interested States of its intention in order to ascertain whether any of them objected to a multiple accreditation. His delegation agreed with the United States amendments (L.19, points 2 and 3) regarding the other members of the mission.

13. Mr. KRISHNA RAO (India) said that his delegation could not support the amendment submitted by Finland or that submitted by Ceylon, for they would restrict the right of objection of the States concerned; but it found acceptable the idea contained in the amendments by Malaya, the United States and Italy. He suggested that the idea be incorporated into article 5 by using such words as " After proper notification and in the absence of objection, a head of mission to one State, or any of the other members of the diplomatic staff of the mission, may be accredited or assigned to one or more other States with the concurrence of all the receiving States concerned."

14. He could not support the additional sentence proposed by Colombia (L.36). The double representation contemplated in that sentence was undoubtedly possible, but the whole matter of representation to international organizations was still somewhat fluid and should not be dealt with by the Conference.

15. Mr. SIMMONS (Ghana) said that the first of the United States amendments would not improve article 5, which was a brief and clear legal formulation and patently implied the need for notification to the receiving States concerned.

16. The other United States amendments were not altogether clear. In particular, the deletion of the words " as head of mission " would leave it uncertain in what capacity the other member of the diplomatic staff of the mission was being accredited or assigned to a third State.

17. Mr. JEZEK (Czechoslovakia) said that his delegation could not support the United States amendment requiring the consent of all the receiving States to the multiple accreditation, not only of the head of the mission, but also of any other member of its diplomatic staff. That proposal, and also indeed the proviso in article 5 relating to objection by receiving States, were at variance with existing practice. A second accreditation could not be made to depend on the will of the first receiving State. For that reason his delegation supported the Ukrainian proposal that the proviso should be deleted.

18. He introduced his delegation's proposal that a second paragraph should be added to article 5 (L.41) allowing the sending State to establish a diplomatic mission provisionally headed by a chargé d'affaires ad interim in a State where the head of mission did not reside permanently.

19. Mr. BOUZIRI (Tunisia) said that his delegation was in favour of multiple accreditation, but believed that the rules of courtesy and mutual respect forbade a second accreditation without the consent of the first receiving State. Draft article 5 met that requirement by means of a negative proviso. His delegation preferred the principle of consent by the receiving States to be incorporated positively in the article. He therefore supported the three amendments that would do so (L.19, L.40 and L.71), of which the Italian amendment seemed to be the best.

20. His delegation supported the Colombian proposal (L.36), which would incorporate into article 5 a useful provision not in any way contrary to the spirit of the draft articles. It had no objection to the substance of the Czechoslovak amendment (L.41), but did not think it was really necessary.

21. His delegation supported the additional clause proposed by the Netherlands and Spain (L.22) permitting accreditation of the same person as head of mission of two or more States. That provision would probably prove useful in future developments; moreover, since it expressly allowed objection by the receiving State, it was unexceptionable.

22. Mr. AGUDELO (Colombia), introducing his delegation's proposal (L.36), said that its purpose was to embody an existing practice. For example, many ambassadors of American States at Washington were accredited not only to the United States Government but also to the Organization of American States. A similar position existed at Vienna in regard to the International Atomic Energy Agency, thanks to the reasonable attitude of the Austrian Government.

23. The proposal did not specify a form of accreditation to international organizations, but merely enabled a head of mission in a receiving State to act as representative to international organizations. The provision was like that which enabled diplomatic officers to perform consular acts, and served the same purpose of helping countries short of staff and funds. Over half the countries of the world would find it difficult to establish separate missions in all countries and with all international organizations. Only a few large countries could afford adequate separate representation.

24. Mr. RIPHAGEN (Netherlands), introducing the proposal submitted jointly by the Netherlands and Spain (L.22), said that its purpose was to enable countries to economize in foreign-service staff. Several countries having the same interests could perhaps best serve them by having a common representative; subject to the consent of the receiving State concerned, they should be allowed to do so. The Havana Convention of 1928, article 5, second paragraph, contained a similar idea.

25. Mr. WESTRUP (Sweden) expressed strong support for the joint proposal (L.22). Owing to the increase in the number of States the question of joint representation was of great importance. It had been discussed by the Nordic countries, which were linked by close ties, and public opinion in all of them was very favourable to joint representation. Although no practical results had yet been achieved, it was essential to make clear that joint representation in the future would be no innovation.

26. Mr. TUNKIN (Union of Soviet Socialist Republics) said that article 5 could be interpreted to mean that multiple representation required the prior consent of all the receiving States, an interpretation which would be at variance with the existing practice. When the matter had been discussed in the International Law Commission, none of the members had been able to quote a single instance in which the first receiving State had been asked to consent to another accreditation. He added that as a great Power, the Soviet Union very rarely accredited a head of mission to more than one State.

27. It was clearly for the sending State to decide whether it wished to accredit one of its ambassadors to several countries. In doing so, it would of course consider the relations between the two prospective receiving States, and would not accredit the same ambassador to two States between whom relations were not normal. If, however, a situation arose in which a receiving State objected to a concurrent representation, it could make representations to the sending State. In the ultimate resort, it could declare the head of the mission persona non grata under article 8. The draft therefore adequately safeguarded the position of receiving States, and there was no need to include in article 5 a rule requiring the agrément of a State other than that to which the diplomat was to be accredited.

28. To make multiple representation subject to the consent of the receiving States concerned would cause unnecessary delay, for the sending State would have to wait until the first receiving State replied to its communication before it could approach the second receiving State for agrément.

29. He saw no reason why the scope of the Colombian proposal (L.36) should be restricted to international organizations having their headquarters in the receiving State. Moreover, the articles did not need to, and could not, specify all that a State might do. Accordingly, though his delegation had no objection on the substance, it considered the Colombian amendment unnecessary.

30. Of the other amendments adding to article 5, the Czechoslovak amendment (L.41) was useful in setting out the logical consequences of a second accreditation.

The proposal by the Netherlands and Spain (L.22) contained a useful provision but dealt with a matter quite distinct from the substance of article 5, and should be treated as a proposal for adding a separate article.

31. Mr. EL-ERIAN (United Arab Republic) said that every effort should be made to enable the diplomatic agent to perform his mission effectively as a link in harmonious relations between his country and the receiving country. He therefore supported the principle underlying article 5, that the agrément of the receiving State should be secured if a diplomatic agent was accredited to more than one State.

32. The amendments submitted by the United States of America, Italy, Malaya and Finland, as also the amalgamated text suggested by the representative of India, had the common purpose of avoiding surprise. His delegation would support them in the interests of clarity and in the belief that the agrément of the receiving State should be secured. It felt that the advantages would outweigh the difficulties to which the USSR representative had referred.

33. It would also support the second United States amendment extending the requirement to other members of the diplomatic staff of the mission. If the Committee approved that amendment, the Drafting Committee might consider whether the order of articles 5 and 6 should be reversed.

34. Mr. MELO LECAROS (Chile) said that his delegation supported the draft article in principle. Most of the amendments related to detail rather than to substance, and his delegation would support any which would improve the text. The proposal submitted by the Netherlands and Spain (L.22) affected substance. Its sponsors had stated that it corresponded to the second paragraph of article 5 of the 1928 Havana Convention. In his experience that paragraph had never been applied, and the case for which it provided never arose in practice. Accordingly, he did not support the proposal.

35. The additional sentence proposed by Colombia (L.36) was most useful, since it referred to a common practice. He suggested that the words " or another member of the diplomatic staff of the mission " should be added after the words " a head of mission ", since the minister or head of mission often did not act as his country's representative to international organizations.

36. His delegation would also support the amendment proposed by Czechoslovakia (L.41), which referred to a common practice.

37. Mr. DASKALOV (Bulgaria) said that the large number of amendments demonstrated the importance of article 5, which touched the vital interests of many especially of the smaller States. The right to accredit a head of mission to more than one State was accepted by international law. The sovereign right of a State to accredit a head of mission should not be qualified by an absolute requirement of consultation with the receiving State. Some of the amendments would violate that fundamental principle and complicate the procedure of accrediting a diplomatic agent to more than one country. The rights of the receiving State were adequately safeguarded, as had been pointed out by the USSR representative and others. His delegation could therefore not support those amendments which did not improve the draft article.

38. As the USSR representative had implied, the Colombian amendment (L.36) was somewhat beyond the scope of article 5.

39. His delegation would support the amendment of the Ukrainian SSR (L.83) and also the proposal submitted by Czechoslovakia (L.41).

40. Mr. TAWO MBU (Nigeria) said his delegation could not accept any of the amendments, which all contained elements of ambiguity. In the interests of clarity, it preferred the original text of article 5.

41. The joint proposal by the Netherlands and Spain (L.22) might have been appropriate in relation to article 4, which concerned the appointment of the head of the mission.

42. Mr. OJEDA (Mexico) said that his delegation could not support either the amendment submitted by Finland or that submitted by the Ukrainian SSR. And so far as the Colombian proposal was concerned, he said that it dealt with a question that was not under discussion.

43. The Czechoslovak amendment seemed unnecessary, since the situation it was intended to cover was a logical consequence of the establishment of diplomatic relations.

44. His delegation would support the amendments proposed by the United States of America, Italy, the Federation of Malaya and Ceylon, which clarified and expanded the draft without changing its substance; and it had no objection to the additional clause proposed by the Netherlands and Spain.

45. Mr. KIRCHSCHLAEGER (Austria) also supported that additional clause, for the reasons put forward by its sponsors, though he agreed with the USSR representative that it should more suitably form the subject of a separate article.

46. It was necessary to provide that the consent of the receiving State should be required for the appointment of a head of mission to one or more other States. Such consent, or the absence of objection, facilitated the task of the head of mission, particularly if relations between the receiving States concerned were strained. His delegation therefore supported article 5 in principle, and the first of the United States amendments. It would also support the other United States amendments, which took account of the growing number of States and the increasing degree of specialization. He shared the view of the representative of the United Arab Republic that, if a reference to " any other member of the diplomatic staff " were added, the Drafting Committee might consider reversing the order of articles 5 and 6.

47. Mr. MATINE-DAFTARY (Iran) said that the primary task of the International Law Commission had been to codify existing practice. Most of the amendments to article 5 were purely formal, and not always happy, changes of wording. Some, however, would change the entire structure of the draft article and conflict with

current practice. The draft was based on that practice, and there was no reason to change it. It was the product of careful thought. If members of the Committee could bear in mind that the Commission had done all in its power to codify and not to alter existing practice, they might find some amendments unnecessary.

48. Commenting on the amendment submitted by the Federation of Malaya, he said that, if it were adopted, it would change the whole current practice. A State always had the right to object, but it was not necessary to apply to each State for its concurrence.

49. Mr. GLASER (Romania) suggested that, in considering the draft articles, the Committee should consider cases in which difficulties had arisen, and draft clear and concise rules to cover them. The existing practice was that a head of mission might be accredited to one or more other States. No case was known in which a receiving State had opposed such an appointment. The system of agrément existed because a refusal by the receiving State to accept an appointment after it had been published would be a serious matter and would not improve relations between the States. It would be impossible to keep the procedure confidential if several States had to be asked for permission to accredit a head of mission and one State objected after another had already accepted the appointment. That example demonstrated the serious difficulties which arose in trying to formulate new rules beyond the practical needs. No obstacle should be put in the way of the many newly independent States lacking the means to appoint diplomatic missions of equal grade in every country with which they would like to have diplomatic relations.

50. He would support the additional clause proposed by Czechoslovakia, and also the amendments proposed by Finland and the Ukrainian SSR, which were in keeping with current practice.

51. With regard to the additional paragraph proposed by the Netherlands and Spain, he favoured its principle but suggested that it should form the subject of a separate article.

52. The three amendments submitted by the United States should be voted on separately. The second and third amendments were at variance with the purpose of the Conference and would hamper progress.

53. Mr. NGO-DINH-LUYEN (Viet-Nam) said that the existing text of article 5 might be interpreted to mean that the receiving State could reconsider the agrément it had already given. His delegation would therefore support the Ukrainian amendment. The article without the " unless " clause could then be taken as a basis for discussion of the other amendments.

54. In regard to the Czechoslovak proposal, his delegation considered that it would be more appropriate to consider the question of appointing a chargé d'affaires ad interim in connexion with article 17.

55. Mr. de ERICE y O'SHEA (Spain), speaking on behalf of the sponsors of the joint amendment (L.22), agreed to the suggestion that the proposed new paragraph should form the subject of a separate article. The amendment was in accordance with the relevant clause of the Havana Convention of 1928. That convention was still in force and was used as a guide to diplomatic relations by all the countries which had ratified it and by others, including his own. It has been said that the case contemplated in article 5, second paragraph, of the Havana Convention had never arisen. It was true that such cases were rare, but they did occur, and the joint amendment was a logical extension of article 5 of the draft under discussion.

56. His delegation would support the Czechoslovak proposal concerning the appointment of a chargé d'affaires ad interim, although that point was already covered by article 2.

57. It would also support the idea expressed in the very similar amendments submitted by Italy, Ceylon, the Federation of Malaya and Finland, giving its preference to the Finnish amendment replacing the " unless " clause by the words " Subject to the provision of article 4 ". Article 4 did, in fact, already cover the situation but his delegation would not object to a cross-reference to that article being added in article 5.

58. The first of the United States amendments should, he suggested, be referred to the Drafting Committee for consideration, since it differed only slightly from the existing text and seemed to be merely a drafting amendment.

59. If the United States delegation agreed to change the second of its amendments to read " or any other member of the diplomatic staff of that mission ", he would be able to support the amendment, which would broaden the scope of the article, make it clear who could be accredited and supplement the amendment proposed by Czechoslovakia.

60. Mr. BAIG (Pakistan) said he saw no objection to the article as drafted by the International Law Commission. It was unnecessary for the sending State to seek the consent of the first receiving State, but as a matter of courtesy that State should be informed. If an amendment was considered necessary, therefore, he would support only the first of the United States amendments.

61. Mr. DANKWORT (Federal Republic of Germany) said that the consent of all the States concerned was essential for harmonious diplomatic relations if a head of mission was to be accredited to several States. Article 5 provided that the receiving State might raise objections, but it did not expressly stipulate that the sending State must seek its consent. His delegation could not support those amendments which denied the right of the receiving State to object. It would, however, support the amendments proposed by the United States, Italy and the Federation of Malaya, and proposed that a revised text should be drafted on the basis of those amendments.

62. Mr. RUEGGER (Switzerland) said that a codification could never be exhaustive. The articles had to be

read against the background of a custom of long standing, which was sufficiently flexible to meet all new situations. It was inconceivable that a sending State would not ascertain the views of all the receiving States concerned before deciding on a multiple accreditation. In any event, it was always open to any of those States to refuse its agrément.

63. For those reasons, he favoured the amendments proposed by the Ukrainian SSR and Finland, but would also be prepared to accept article 5 as it stood.

64. With regard to the proposed additions, he was unable to support the Czechoslovak amendment. He also wished to place on record his delegation's express reservations regarding the Colombian proposal; the question of the rules governing international organizations and missions to those organizations was a separate one which had yet to be studied by the International Law Commission.

65. Lastly, he said the proposal by the Netherlands and Spain was very interesting, particularly in view of possible future developments. He suggested, however, that since that proposal raised an entirely new problem, it should be dealt with later, in a separate protocol so as to facilitate the adoption of the basic instrument to be drawn up by the Conference.

66. Mr. CAMERON (United States of America) said that the purpose of the second and third of the United States amendments was to permit the accreditation of a head of mission to a second receiving State and the assignment to that State of a member of the staff of the mission; his delegation would have no objection to any drafting changes which might be thought necessary.

67. Mr. TALJAARD (Union of South Africa) said that, as he understood it, article 5 meant that, before establishing a concurrent representation, the sending State would have to consult all the receiving States concerned and obtain their consent. Thereafter, if the head of the mission was changed, the agrément of all the receiving States would have to be obtained in accordance with article 4.

68. The CHAIRMAN confirmed that interpretation.

69. He then invited the Committee to take a decision on the amendments before it and suggested that it start with those tending to weaken article 5 — viz., the amendments submitted by the Ukrainian SSR (L.83), Finland (L.75) and Ceylon (L.71).

70. Mr. ZABIGAILO (Ukrainian Soviet Socialist Republic) withdrew his delegation's amendment in favour of that proposed by Finland.

The amendment proposed by Finland was rejected by 36 votes to 19, with 12 abstentions.

71. The CHAIRMAN proposed that the Committee should next decide whether it wished to retain article 5 as drafted by the International Law Commission or amend the article as proposed by Italy (L.40), Malaya (L.44 and Corr.1) and the United States of America (L.19).

72. He invited the Committee to vote on the principle of the three amendments in question, all of which tended to strengthen article 5; if the principle was adopted, the amendments could be referred to the Drafting Committee, together with the Indian suggestion for a combined text.

The principle of the three amendments in question was adopted by 39 votes to 14, with 13 abstentions.

73. In reply to a question by Mr. GLASER (Romania), the CHAIRMAN said that in consequence of the acceptance of the principle of the amendments, a vote on article 5 as drafted by the International Law Commission was unnecessary. He drew attention to the fact that the number of votes in favour of amendment had exceeded the total of votes against plus abstentions.

74. In reply to a question by Mr. BARTOŠ (Yugoslavia), the CHAIRMAN said that representatives would have an opportunity of explaining their votes at the next meeting.

75. He invited the Committee to vote on the Czechoslovak proposal (L.41).

The Czechoslovak proposal was adopted by 32 votes to 11, with 26 abstentions.

76. Mr. AGUDELO (Colombia) said that, in the light of the discussion, he would be prepared to accept drafting amendments to his delegation's proposal (L.36).

77. The CHAIRMAN put to the vote the principle contained in the Colombian proposal, subject to drafting changes.

The principle of the proposal was adopted by 30 votes to 13, with 24 abstentions.

78. The CHAIRMAN suggested that the joint proposal of the Netherlands and Spain (L.22) should be dealt with as though it were a proposal for a separate article.

79. Mr. KEVIN (Australia) suggested that the proposal could conveniently be discussed in connexion with article 7.

80. Mr. TUNKIN (Union of Soviet Socialist Republics) supported the Swiss representative's suggestion that discussion of the proposal be deferred.

81. The CHAIRMAN said that, if there were no objections, he would take it that the Committee agreed to defer consideration of the joint proposal.

It was so agreed.[2]

Article 5 was referred to the Drafting Committee for re-drafting in the light of the foregoing decisions.

The meeting rose at 6.45 p.m.

[2] For the resumption of the debate on the Netherlands-Spanish proposal see twelfth meeting, paragraph 67.