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of appointments, mentioned in the Spanish delegation's amendment, was relevant to article 9. Similarly, the Mexican delegation's proposal for a paragraph 2 related to the subject-matter of article 8.

47. The second sentence of article 6 also stated an accepted practice. Some, but not all, States required the names of military, naval and air attachés to be submitted beforehand for approval, and the purpose of the provision was to enable them to continue to do so.

48. The French proposal that the same treatment should be extended to specialized technical advisers and attachés went far beyond the existing practice. It would empower the receiving State to enquire into the division of work inside the diplomatic mission.

49. Mr. MATINE-DAFTARY (Iran) said that it was a fundamental principle of a debate on amendments that the Chairman had full discretion to decide whether amendments were relevant or not. If the Conference's rules of procedure did not contain that principle, he suggested that a new rule should be added.

50. The French amendment was not relevant to article 6. It introduced the procedure of agrément in relation to all the members of the mission, and the procedure for which it provided was slow and complicated. It would make recognition of any member of a mission depend upon his entry on the diplomatic list. That would delay indefinitely his assumption of diplomatic privileges and immunities, for it was well known that in practice very few States could keep their diplomatic lists constantly up to date. It would therefore be more appropriate to discuss the amendment in connexion with article 38.

51. Mr. GLASER (Romania) said that the French proposal would completely reverse existing practice as reflected in article 6. It could also lead to the extraordinary situation that a diplomat travelling to a new post would enjoy diplomatic privileges and immunities in all the countries of transit, because his status was written on his passport, but not in his country of assignment, because he did not appear on the diplomatic list. States would be unwilling to send diplomats abroad unless they were certain to enjoy diplomatic privileges and immunities. It was true that the sub-amendment of Spain and Tunisia provided a courtesy safeguard; but that was not a proper substitute for protection under international law. The situation for which the French amendment was intended to provide would hardly ever arise, and he could not see that so rare a case justified a radical change in the existing law.

52. Of the other amendments, he would support that submitted by Argentina.

53. Mr. de ERICE y O'SHEA (Spain) said that the two main points stressed in the amendments to article 6 were freedom of appointment for the sending State, and acceptance by the receiving State. He was willing to withdraw his delegation's amendment in favour of the Mexican amendment if the representative of Mexico would accept the following minor amendments: deletion of the reference to military, naval and air attachés in the second sentence of paragraph 1, and the addition to paragraph 2 of words to the effect that a State was not obliged to give reasons for refusing the approval of a member of a mission. He hoped his offer might facilitate withdrawal of the amendments submitted by Chile and Ecuador, Argentina, and possibly those submitted by Libya and the Congo (Leopoldville).

54. Mr. OJEDA (Mexico) accepted the sub-amendments proposed by the Spanish representative. In reply to comments on the Mexican amendment, he said that a State's right to refuse a member of the mission's staff was not the same as its right to declare a member persona non grata (article 8). His delegation's amendment was relevant to article 6, for in both a distinction was made between general and military personnel.

55. Mr. BARTOŠ (Yugoslavia) said that both practically and theoretically the best amendment, and the closest to past and current practice, was that submitted by Italy. It postulated an understanding between the States concerned. The Italian delegation, he was sure, wished to spare a diplomat the unpleasant experience of being sent out by his country wiht a diplomatic visa and later being declared persona non grata by the receiving country; indeed, he saw no reason why anyone should be put in such a position. He would vote for the Italian amendment.

56. Mr. DELFINO (Argentina) said he would withdraw his delegation's amendment on condition that the provision finally adopted provided that a State was not obliged to give reasons for declaring a member of a mission persona non grata. It was an exceedingly important principle, and its omission could cause difficulties between States.

57. Mr. TUNKIN (Union of Soviet Socialist Republics) admitted that the representative of Mexico was right in insisting that the second part of his amendment was not fully covered by article 8. Nevertheless, he still found the amendment difficult to accept, for it appeared wrongly to place sending and receiving States on an equal footing. Adequate safeguards were provided by articles 8 and 10, and he therefore considered that article 6 should not be amended.

The meeting rose at 1.10 p.m.

TWELFTH MEETING

Monday, 13 March 1961, at 3.15 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 6 (Appointment of the staff of the mission) (*continued*)

1. The CHAIRMAN invited the Committee to continue its debate on article 6 of the International Law Com-

mission's draft (A/CONF.20/4) and drew attention to the Mexican delegation's revised amendment (L.32/Rev.1) incorporating the Spanish delegation's sub-amendment (see eleventh meeting, paras. 53 and 54.)

2. Mr. KAHAMBA (Congo: Léopoldville) said his delegation would not press it amendment (L.74) and would support article 6 as drafted by the International Law Commission.

3. Mr. TUNKIN (Union of Soviet Socialist Republics) pointed out that, in specifying that prior notification of the names of attachés could be required only in the case of military, naval or air attachés, the International Law Commission had merely conformed to existing practice. Besides, to require such notification in the case of all attachés when it was not required for diplomatic staff of higher rank would be absurd.

4. Mr. BOLLINI SHAW (Argentina) withdrew his delegation's amendment (L.38) in favour of the revised Mexican amendment (L.32/Rev.1), but wished to be sure that the word " attachés ", as used in that context, referred solely to military, naval or air attachés, and not to ordinary embassy attachés. Secondly, he hoped that the words " so that it may give or refuse its approval ", which appeared in the Argentine amendment, would be added at the end of paragraph 1 of the Mexican amendment.

5. Mr. VALLAT (United Kingdom) endorsed the Soviet Union representative's comment concerning attachés. He could not vote for the Mexican amendment unless it specified that paragraph 1 applied only to military, naval or air attachés. With regard to the second sentence of paragraph 2 of the Mexican amendment, he referred to his earlier remarks on a like point in connexion with article 4 (ninth meeting, paragraph 50). He would vote against paragraph 2 for the reasons then stated.

6. Mr. REGALA (Philippines) agreed with the representative of the Soviet Union and the United Kingdom that it should be specified — as in article 6 of the draft — that prior notification of the names of attachés could be required only in the case of military, naval or air attachés. He would therefore vote for article 6 as drafted by the Commission.

7. Mr. PUPLAMPU (Ghana) considered that the Mexican amendment only complicated matters, and proposed that the Committee should vote first on article 6 of the Commission's draft.

8. Mr. NAFEH ZADE (United Arab Republic) agreed with the representative of the USSR and the United Kingdom on the need to specify, in the provision of article 6 concerning attachés, that the reference was to military, naval or air attachés. On the other hand, he did not agree with the United Kingdom representative's view concerning the second sentence of paragraph 2 of the Mexican amendment.

9. Mr. OJEDA (Mexico) said he would gladly support article 6 of the draft, provided that paragraph 2 of his delegation's revised amendment were added.

10. Mr. CARMONA (Venezuela), speaking on a point of order, pointed out that, under rule 41 of the rules of procedure, when an amendment was moved to a proposal, the amendment had to be voted on first. Hence the Committee should first vote on the Mexican amendment to article 6 and not on the text of the draft article, as proposed by the representative of Ghana.

11. The CHAIRMAN said that the Committee was master of its own procedure and could decide to give priority to any amendment or proposal it wished.

12. Mr. de VAUCELLES (France) challenged the Chairman's interpretation. The rules of procedure had been adopted not by the Committee, but by the Conference, a higher authority, and could not be changed by the Committee.

13. The CHAIRMAN said he was aware of rule 41, but the Committee could decide otherwise by a two-thirds majority.

14. Mr. EL-ERIAN (United Arab Republic) supported the Chairman. The Committee was behindhand in its work and the procedure proposed by the representative of Ghana would speed up the discussion.

15. The CHAIRMAN invited the Committee to vote on the proposal of Ghana that the text of article 6 as drafted by the Commission should be put to the vote first.

The proposal was adopted by 49 votes to 13, with 4 abstentions.

Article 6 as drafted by the International Law Commission was adopted by 54 votes to 10, with 6 abstentions.

16. The CHAIRMAN ruled that, since article 6 had been adopted, there was no need to vote on the amendments proposed to that article.

17. Mr. de ERICE y O'SHEA (Spain) did not challenge the Chairman's ruling, but observed that, while supporting the text of article 6, the Mexican delegation had proposed the addition of a new paragraph 2. That proposal did not constitute an amendment, but rather an addition, to article 6. The Spanish delegation accordingly requested that the Committee vote on that addition.

18. The CHAIRMAN considered that, in voting in favour of the existing text of article 6, the Committee had rejected any change in that article. If that interpretation was challenged, and if the Committee wished to vote on the Mexican delegation's proposed addition to article 6, it could decide to do so by a two-thirds majority. But such a decision would not tend to speed up its work.

19. Mr. BARTOŠ (Yugoslavia) said he had abstained from voting on the proposal by Ghana, because he considered that the rules of procedure adopted by the Conference should be followed to the letter.

20. Mr. RUEGGER (Switzerland) said he had abstained from voting on the proposal by Ghana but was glad that article 6 had been adopted as it stood. However, the Swiss delegation interpreted the article in the sense of the Italian amendment (L.48), which was in conformity with the practice followed by the Federal Government.

21. Mr. de VAUCELLES (France) said he would not have voted against the proposal by Ghana if he had followed his natural inclination. But the procedure adopted had seemed to him too dangerous by reason of the precedent created, which made it possible to rule out all proposed amendments and might therefore have very far-reaching effects and might cause many States to refuse later to ratify the convention.

22. U SOE TIN (Burma) explained that he had voted against article 6, not because he did not approve it, but because he would have preferred the text proposed by Mexico to be added.

23. Mr. TAWO MBU (Nigeria) said he had voted for article 6 as it stood, but, since many of the amendments had failed, he suggested that in future delegations submitting amendments should add an explanatory commentary, as the Netherlands and Spanish delegations had done in their amendment to article 5 (L.22).

24. Mr. MAMELI (Italy) associated himself with the reservations made by several delegations concerning the procedure followed in the voting on article 6.

25. Mr. PUPLAMPU (Ghana) wished to set the fears of the French representative at rest. The delegation of Ghana would have recourse to the procedure followed in voting on article 6 only when it was absolutely necessary.

26. Mr. HORAN (Ireland) said he had abstained from voting on the proposal by Ghana, but unreservedly associated himself with the Swiss representative's statement on the interpretation of article 6.

27. Mr. OJEDA (Mexico) fully agreed with the French representative's remarks on the procedure followed in voting on article 6.

Article 7 (Appointment of nationals of the receiving State)

28. The CHAIRMAN invited debate on article 7 of the International Law Commission's draft and drew attention to the amendments submitted to the article.[1]

29. Mr. HU (China) referred to his government's comments (A/3859, annex) on the corresponding provision of the 1957 draft of the International Law Commission. China itself did not appoint diplomats who were not Chinese nationals, but it recognized that certain newly independent States might need to employ foreigners in their diplomatic service. His delegation would support the joint amendment proposed by Brazil, Chile and Ireland (L.77) subject to its sub-amendment (L.121) to paragraph 2 of that amendment.

30. Mr. BOUZIRI (Tunisia) announced the withdrawal of his delegation's amendment (L.62) since two other amendments (L.77 and L.66) seemed to contain sufficient safeguards. However, he suggested that the joint amendment (L.77) should specify that consent could be withdrawn at any time, and that the Indonesian amendment (L.66) should state expressly that its provision applied to nationals of a third State.

31. Mr. de VAUCELLES (France) said that his delegation withdrew its amendment (L.2) and would support the Korean amendment (L.106), or a provision suitably combining the amendments submitted.

32. Mr. RUEGGER (Switzerland) said he would not press his delegation's amendment (L.84). He said it was a general rule of construction that, in the absence of any express restrictive provision in the Convention, States would retain full liberty. Accordingly, his delegation considered it would be quite wrong that a diplomatic mission should have to seek the approval of the receiving State in respect of non-diplomatic staff.

33. Mr. de SOUZA LEAO (Brazil) said that the object of the sponsors of the joint amendment (L.77) was that the convention should lay down the principle that members of the diplomatic staff of the mission should be nationals of the sending State. He had no objection to the addition of a sentence providing that the receiving State's consent to the employment of its nationals could be withdrawn at any time, as proposed by Indonesia (L.66).

34. Mr. WHANG (Korea) observed that his delegation's amendment (L.106) had the same object as those of France and Indonesia, and that he would be willing to withdraw it if the Committee asked the Drafting Committee to embody its principle in article 7.

35. Mr. VALLAT (United Kingdom) considered that the provisions relating to the appointment of nationals of the receiving and of a third State respectively should from two separate paragraphs. He submitted the amendment drafted by his delegation (L.137).

36. Mr. de ERICE y O'SHEA (Spain) proposed that in paragraph 2 of the United Kingdom amendment the word " express " should be omitted.

37. Mr. SUBARDJO (Indonesia), noting that paragraph 2 of the United Kingdom amendment employed the same wording as the Indonesian amendment (L.66), withdrew his delegation's amendments.

38. Mr. HORAN (Ireland) held that the principle should be that diplomats should be nationals of the sending State. Secondly, however, States which desired to do so should be left free to appoint persons other than their own nationals to be members of their diplomatic staff. The United Kingdom amendment did not allow for cases in which members of diplomatic staff possessed the nationality both of the sending and of the receiving or a third State. The scope of the joint amendment (L.77) was wider, and it should commend itself to a majority of the Committee.

39. Mr. SUCHARITAKUL (Thailand) said that his delegation's amendment (L.50) provided that the nationality of members of the diplomatic staff of a mission should be determined in accordance with the law of the receiving State; he asked for comments on the point.

[1] The following amendments had been submitted: France, A/CONF.20/C.1/L.2; Thailand, A/CONF.20/C.1/L.50; Indonesia, A/CONF.20/C.1/L.66; Mexico, A/CONF.20/C.1/L.54; Tunisia, A/CONF.20/C.1/L.62; Brazil, Chile and Ireland, A/CONF.20/C.1/L.77; Switzerland, A/CONF.20/C.1/L.84; Rep. of Korea, A/CONF.20/C.1/L.106; China, A/CONF.20/C.1/L.121; United Kingdom, A/CONF.20/C.1/L.137.

40. Mr. KRISHNA RAO (India) said it was unnecessary to include in article 7 the provisions of the Thai amendment, since it was implied that the receiving State could withhold its consent.

41. Mr. SUCHARITAKUL (Thailand) pointed out that his delegation's amendment was intended precisely to ensure that the receiving State should not have to take decisions of the kind, which were bound to injure relations between States.

42. Mr. HU (China) pointed out that the words " or who may be claimed as a national of the receiving State " in his delegation's amendment (L.121) had the same effect as the passage " under the law of such State " in Thailand's amendment.

43. Mr. USTOR (Hungary) supported the principle of the Thai amendment.

44. Mr. BARNES (Liberia) also supported that amendment. He added that the International Law Commission had probably not intended the head of the mission to be covered by article 7. Draft article 1 (*e*) defined the head of the mission as a diplomatic agent, and draft article 37 dealt specifically with diplomatic agents who were nationals of the receiving State.

45. Mr. YASSEEN (Iraq) considered that the cases of diplomatic staff chosen respectively from among the nationals of the receiving State and of a third State should be treated separately. His delegation did not think that nationals of the receiving State should be appointed as diplomats. The interests of States were not always identical, and a man should not be placed in an awkward position. Furthermore, the apoointment of diplomatic staff from among the nationals of a third State should not depend on the consent of the receiving State.

46. The Thai amendment stated a very correct principle and a generally accepted rule of international law, for a person could not be a national of a particular State except according to the law of that State. The Conference, however, was not asked to legislate on nationality questions, and hence it would be wrong to amend article 7 in the manner proposed.

47. Mr. BOLLINI SHAW (Argentina) said his delegation would have no difficulty in voting for the Commission's draft of article 7, though it would prefer the provision to be amended to read: " . . . may not be appointed . . . without the consent . . . " He unreservedly approved the principle stated in the Thai amendment, and was quite prepared to accept the United Kingdom amendment if it was construed to mean that the nationality of members of the mission who might be regarded as nationals of the receiving State was determined according to the law of that State.

48. Mr. KRISHNA RAO (India) pointed out, in reply to the representative of Thailand, that the receiving State might well give its consent even where members of the mission had its nationality under its municipal law. Moreover, problems arising from the double nationality of members of the mission were duly covered by paragraphs 2 and 3 of the United Kingdom amendment. On the point raised by the Liberian representative, he said that from paragraph 2 of the Commission's commentary on article 7 (A/3859) it was evident that the head of the mission was one of the persons constituting it.

49. Mr. OJEDA (Mexico) supported the Chinese delegation's amendment, since it covered all cases which might arise out of the nationality of members of the mission. He considered, furthermore, that the amendment submitted by his own delegation (L.54) in no way infringed the sovereignty of the sending State.

50. Mr. SUCHARITAKUL (Thailand) suggested that, as several speakers had approved his delegation's amendment, it should be incorporated in the United Kingdom amendment. It would suffice if in paragraph 2 the words " as determined by the laws of that State " were inserted after the words " having the nationality of the receiving State ".

51. Mr. VALLAT (United Kingdom) agreed to the Spanish representative's proposal that the adjective " express " should be deleted in paragraph 2 of the United Kingdom amendment. He would, however, have some difficulty in agreeing to the proposal that a provision should be added to the effect that nationality would be determined by the law of the receiving State. It was a universally recognized rule that the State was sovereign in matters of nationality, and hence it was unnecessary to state the rule expressly in article 7. Perhaps the question should be referred to the Drafting Committee.

52. Mr. CARMONA (Venezuela) said he would vote for the joint amendment (L.77). He admitted, however, that the United Kingdom amendment was an improvement, and accordingly he would have no difficulty in voting for it. So far as double nationality was concerned the clause might, as suggested by the Argentine representative, provide that the nationality of members of the mission possessing the nationality of the receiving State should be determined by the law of that State. He added, however, that that was a universally accepted principle; it was stated, for instance, in the Convention on certain questions relating to the conflict of nationality laws, adopted by the Codification Conference of The Hague in 1930.

53. Mr. SUCHARITAKUL (Thailand) withdrew his delegation's amendment (L.50), on the assumption that the Conference endorsed the interpretation that, in the circumstances contemplated, the law of the receiving State prevailed for the purpose of determining nationality.

54. The CHAIRMAN confirmed that interpretation.

55. Mr. EL-ERIAN (United Arab Republic) said that the International Law Commission, as was stated in paragraph 9 of its commentary on article 7, " did not think it necessary to provide that the consent of the receiving State is a condition necessary for the appointment as a diplomatic agent of a national of a *third State*." The amendment proposed by the United Kingdom had,

of course, the advantage of dealing separately with nationals of the receiving State and those of a third State. But the advisability of writing the provisions of paragraph 3 of the amendment into article 7 was doubtful. The Commission had very wisely presented a flexible text which should not raise difficulties in practice, and the Committee should not, he thought, introduce excessively detailed provisions.

56. Mr. de SOUZA LEAO (Brazil) said that his delegation and the delegation of Chile would accept the United Kingdom amendment.

57. Mr. HORAN (Ireland) stated that, as one of the sponsors of the joint amendment, he could not associate himself at that stage with the Brazilian representative's proposal.

58. The CHAIRMAN thought the Committee was ready to vote on the United Kingdom amendment (L.137).

59. Mr. EL-ERIAN (United Arab Republic) requested a separate vote on paragraphs 2 and 3.

Paragraph 2, subject to the omission of the adjective " express ", was adopted by 61 votes to 4, with 7 abstentions.

Paragraph 3 was adopted by 62 votes to 3, with 8 abstentions.

The United Kingdom draft of article 7 as a whole (L.137) was adopted by 62 votes to none, with 10 abstentions.

60. Mr. DASKALOV (Bulgaria) said that the majority had approved a text covering rather rare cases. His delegation had voted for it in order not to obstruct the Committee's discussions.

61. Mr. YASSEEN (Iraq) said he had not been able to vote for paragraphs 2 and 3. The appointment as a diplomat of a national of a third State did not require the consent of the receiving State.

62. Mr. BAYONA (Colombia) said he had voted for the United Kingdom proposal, even though under Colombian law Colombian nationals were not allowed to serve in foreign diplomatic missions. Furthermore, under Colombian law only Colombian citizens could be appointed to Colombia's diplomatic missions abroad.

63. Mr. ZLITNI (Libya) said he had voted against paragraph 2 because he did not think that nationals of the receiving State could be appointed to diplomatic missions accredited to that State.

64. Mr. TUNKIN (Union of Soviet Socialist Republics) said that he did not consider that, in adopting the United Kingdom draft of article 7, the Committee had laid down as a principle that nationals of the receiving State could be accredited to that State. That situation could only arise by agreement between the States concerned.

65. Mr. CARMONA (Venezuela) said that under Venezuelan law, Venezuelan citizens could not represent a foreign State.

66. Mr. BARTOŠ (Yugoslavia) said he had voted for the United Kingdom amendment because he approved the rule in paragraph 1 stating that only nationals of the sending State could represent it. Paragraph 2 left the door open to compromise, and that appeared to be a satisfactory solution.

Proposal by the Netherlands and Spain concerning the representation of two or more States by one diplomatic agent (L.22).

67. The CHAIRMAN recalled that at the tenth meeting (paras. 78-81) it had been agreed that the Netherlands-Spanish proposal (L.22) would be considered later, in connexion with article 7. In the absence of objections, he took it that the Committee adopted the proposal, which might take the form of a separate article.

It was so agreed.

68. Mr. BARTOŠ (Yugoslavia) regretted that the speed of the discussion had not allowed him to express his opposition to the proposal, which he regarded as conflicting with the principles of international law and as a dangerous innovation. He stressed the difficult position of a diplomat representing two sending States whose relations with the receiving State were not equally friendly. That would be one of the consequences of the provision, which the Yugoslav delegation firmly opposed.

69. Mr. MELO LECAROS (Chile) likewise opposed the proposal. The case with which it dealt had not arisen since the Havana Convention of 1928. Mr. Carlos Calvo had indeed represented Argentina and Paraguay in France; but that had been long before the Havana Convention.

70. Mr. TUNKIN (Union of Soviet Socialist Republics) said he had raised no objection to the proposal of the Netherlands and Spain; but the Committee had not had an opportunity to study it. His delegation could therefore only support it in principle, on condition that the Drafting Committee improved its wording and made it clearer.

71. Mr. MATINE-DAFTARY (Iran) stressed that in approving the proposal he had not been thinking at all of the case where the head of the mission presented letters of credence from different governments. In his opinion, the only case contemplated was that of defence of the interests of a third State in the receiving State.

72. Mr. NAFEH ZADE (United Arab Republic) said that the proposal would probably be welcomed by newly independent States which suffered from financial or administrative difficulties. Moreover, the trend towards federation or confederation in some regions might lead to interesting applications of the principle. Like the Swiss delegation (tenth meeting, para. 65), he hoped that the provision would form the subject of a protocol to the convention.

73. He did not think the Drafting Committee was competent to change the substance of a text referred to it without a directive from the Committee of the Whole. It could therefore draft a protocol or article in the light of the debate.

74. Mr. RIPHAGEN (Netherlands) said that the second paragraph of the commentary on the proposal established

clearly that one and the same person could be accredited by several States, and left no room for doubt on that point.

Article 8 (Persons declared persona non grata)

75. The CHAIRMAN invited debate on article 8 of the International Law Commission's draft and drew attention to the amendments which had been submitted to that article.[1]

76. Mr. BOLLINI SHAW (Argentina) stated that his delegation withdrew its amendment (L.39) and would support the French delegation's amendment (L.3).

77. Mr. CAMERON (United States of America) withdrew his delegation's amendment (L.21).

The meeting rose at 6 p.m.

[1] The following amendments had been submitted: France, A/CONF.20/C.1/L.3; United States of America, A/CONF.20/C.1/L.21; Argentina, A/CONF.20/C.1/L.39; United Kingdom, A/CONF.20/C.1/L.52; Belgium, A/CONF.20/C.1/L.63; India, A/CONF.20/C.1/L.64; Spain, A/CONF.20/C.1/L.78; Italy, A/CONF.20/C.1/L.85; Indonesia, A/CONF.20/C.1/L.134.

THIRTEENTH MEETING

Tuesday, 14 March 1961, at 10.30 a.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 8 (Persons declared persona non grata) *(continued)*

1. The CHAIRMAN invited the Committee to continue its debate on article 8 and the amendments thereto. In consequence of the withdrawal of two of the amendments (L.21 and L.39), seven remained to be considered (L.3, L.52, L.63, L.64, L.78, L.85 and L.134). In connexion with the French delegation's amendment (L.3) he said that the Committee, when voting on other articles of the draft, had sometimes decided to include and sometimes to omit references to the right of the receiving State not to give reasons for action affecting foreign diplomats; in its vote on the French amendment the Committee would therefore have to consider the implications of including that reference in some articles and excluding it in others.

2. Of the other amendments, that proposed by the United Kingdom (L.52) seemed to relate mainly to drafting. The Belgian amendment (L.63), intended to cover the case in which a diplomat was declared persona non grata before his arrival in the receiving State, seemed to be covered by the first words of article 8, paragraph 1: " The receiving State may at any time . . . " The Indian amendment (L.64) appeared to be already covered by the relevant definition and by the sense of the whole draft. The purpose of the Indonesian amendment (L.134) seemed to be already fulfilled by article 8, which left the receiving State free to determine what constituted a " reasonable period ".

3. Mr. KRISHNA RAO (India) said that, in view of the changes which had been made in article 4, and of the other provisions in article 8, his delegation would withdraw its amendment (L.64).

4. Mr. BOLLINI SHAW (Argentina) said that he had withdrawn his amendment (L.39) in order to support the French amendment (L.3), which covered the same point. If, however, the French amendment were not put to the vote, he would re-introduce his own.

5. Mr. de VAUCELLES (France) insisted on a vote on his delegation's amendment. A reference to the right of the receiving State not to give reasons for its action had been included in article 4; if no such reference were included in article 8 it might be thought that article 4 was an exception and that the right did not exist in the circumstances contemplated by article 8.

6. Mr. GLASSE (United Kingdom) agreed that the United Kingdom amendment related chiefly to drafting, and withdrew it in favour of the Belgian amendment.

7. Mr. MATINE-DAFTARY (Iran) said that none of the amendments departed in any way from the spirit of the draft; they could all therefore be conveniently referred to the Drafting Committee. In particular, he thought that the right of the receiving State not to state reasons, provided for in the French amendment, was a matter of course. However, if the French delegation pressed the amendment he would not oppose it.

8. Mr. de ROMREE (Belgium) said that the Belgian amendment affected substance and should therefore be voted upon. Article 8 dealt mainly with persons already in the receiving State, and his delegation therefore considered that an express provision was needed to cover the case of a person declared persona non grata before his arrival.

9. Mr. CAMERON (United States of America) supported the Belgian amendment. Since, however, article 8, paragraph 1, referred to " any member of the staff of the mission " and therefore covered not only diplomatic staff but also administrative and technical staff (defined in article 1 (*f*)) and service staff (defined in article 1 (*g*)), and since the term " persona non grata " applied technically only to diplomatic staff, he suggested that the words " or not acceptable ", which were the words applicable to the other types of staff, be introduced into the Belgian amendment.

10. Mr. de ROMREE (Belgium) accepted that suggestion.

11. Mr. CARMONA (Venezuela) expressed support for the French amendment, which dealt with substance.

12. Mr. MAMELI (Italy), introducing his delegation's amendment (L.85), said that it was not common for a