

United Nations Conference on Diplomatic Intercourse and Immunities

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Twelfth plenary meeting

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accept the proposed formula in preference to the absence of any rule at all.

60. His delegation hoped that the large number of persons classed as administrative and technical staff would prove worthy of the privileges the Conference was granting them, and that if they did commit offences — in particular offences leading to loss of life — the heads of mission concerned would have sufficient sense of responsibility to see that justice was not frustrated.

The meeting rose at 12.50 p.m.

TWELFTH PLENARY MEETING

Friday, 14 April 1961, at 3.15 p.m.

President: Mr. VERDROSS (Austria)

Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (item 10 of the agenda) (*concluded*)

1. The PRESIDENT said that the Conference still had to dispose of two articles of the draft convention (A/CONF.20/L.2/Add.1), articles 36 and 37.¹

ARTICLE 36

Paragraph 2 (continued)

2. The PRESIDENT said that, in addition to the ten-nation amendment (A/CONF.20/L.2 and Add.2), an amendment submitted jointly by Libya, Morocco and Tunisia (A/CONF.20/L.23) was before the Conference.

3. Mr. BOUZIRI (Tunisia) said he noted with surprise and some resentment that after rejecting the United Kingdom amendment to paragraph 2 (A/CONF.20/L.20) at the tenth meeting, the Conference again had the same amendment before it in the guise of a compromise proposal, incorporating a similarly unsuccessful sub-amendment, but submitted under a different symbol (A/CONF.20/L.21) by a cohort of new sponsors. The procedure was strange, to say the least, and it reflected on the dignity of the Conference. If the ten sponsors thought that fatigue would make the Conference weaken and reverse its earlier, firm decision, the Tunisian delegation hoped that their plan would be frustrated. Tunisia, on the other hand, had made a genuine effort to find an acceptable compromise by submitting, jointly with the delegations of Libya and Morocco, a new paragraph 2 (A/CONF.20/L.23), which took account of, and sought to reconcile, the different views expressed.

4. Mr. de SOUZA LEAO (Brazil) thought that the ten-nation amendment merited the two-thirds majority required for its adoption. It was a commendable effort

to reconcile the two schools of thought present in the Conference. It would be regrettable if the convention failed to mention a whole class of staff which was becoming increasingly important for the proper working of a diplomatic mission. The gap which would be left if paragraph 2 disappeared could not be filled by a general reference to the rules of customary international law in the preamble. The delegation of Brazil would therefore vote in favour of the amendment.

5. The PRESIDENT suggested that the Conference should vote on the amendments submitted to paragraph 2; he thought that the amendment proposed by Tunisia, Libya and Morocco, which was furthest removed in substance from the original text, should be put to the vote first.

6. Mr. BOISSIER-PALUN (Senegal) thought that the discussion was not yet exhausted. His own delegation, for example, would like to receive some explanations concerning the meaning of the terms used in the amendments. What, for instance, was meant by the reference to administrative jurisdiction in the ten-nation amendment? That jurisdiction was concerned with disputes between private persons and the authorities. Hence, it was not clear how it could affect the diplomatic or administrative staff of a mission. In some countries, the administrative jurisdiction was a form of penal jurisdiction, equivalent to that of the police courts in France and in countries whose judicial system was similar to that of France. Accordingly, if immunity from administrative jurisdiction was mentioned, it would also be necessary to refer to immunity from the jurisdiction of police courts, as was done in the joint amendment submitted by Libya, Morocco and Tunisia. Consequently, the delegation of Senegal would vote in favour of that amendment, while reserving the right to propose drafting changes.

7. Mr. BOLLINI SHAW (Argentina) thanked the United Kingdom delegation for the conciliatory spirit it had shown in agreeing to add the words "and administrative" as originally suggested by Spain (10th meeting, paragraphs 30 and 51). As a consequence, the Argentine delegation would be able to vote in favour of the ten-nation amendment. He then gave a detailed explanation of the operation of administrative courts in the countries of Latin America.

8. Mr. TRAN VAN MINH (Viet-Nam) said he wished to refer, not to the legal or technical aspects of the question, but to the moral aspect. Much had been said during the Conference about compromise and conciliation, but he could not help noticing that the compromises had been in one direction and the concessions unilateral. The nineteen delegations which had submitted their amendment to paragraph 2 (A/CONF.20/L.13 and Add.1) had made all the concessions. They had proposed a provision under which the administrative and technical staff would be eligible not only for the privileges mentioned in articles 27, 28, 30, 31, 32, 33 and 34, paragraph 1, but also for immunity from jurisdiction, subject only to one qualification. They had taken a step forward, but their opponents had not

¹ Paragraph 1 of article 36 had been adopted at the 9th meeting. At the 10th meeting the Conference decided, after voting on paragraph 2 of that article, to reconsider the paragraph.

taken the necessary step to meet them. Admittedly, the United Kingdom delegation had accepted a sub-amendment making the "except" clause applicable to immunity from administrative jurisdiction; but the delegation of Viet-Nam was mainly concerned about immunity from criminal jurisdiction, where much more important matters were at stake since public order, good conduct and morality in the receiving State were involved. The joint amendment by Libya, Morocco and Tunisia met the concern of the delegation of Viet-Nam, which would accordingly vote in favour of it.

9. To remove any misunderstanding, Mr. BOUZIRI (Tunisia) explained that the last sentence of the paragraph 2 as proposed by Libya, Morocco and Tunisia should be interpreted to mean that the number of members of the administrative and technical staff enjoying privileges and immunities could be equal to or greater than the number of members of the diplomatic staff of the mission.

10. The PRESIDENT put to the vote the amendment to paragraph 2 submitted by Libya, Morocco and Tunisia (A/CONF.20/L.23).

At the request of the representative of Tunisia, a vote was taken by roll-call.

Senegal, having been drawn by lot by the President, was called upon to vote first.

In favour: Senegal, Spain, Tunisia, Viet-Nam, Yugoslavia, France, Iraq, Italy, Libya, Liechtenstein, Morocco, Portugal.

Against: Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Ecuador, Federation of Malaya, Finland, Federal Republic of Germany, Ghana, Greece, Guatemala, Honduras, Hungary, India, Iran, Ireland, Israel, Japan, Korea, Luxembourg, Mexico, Nigeria, Norway, Panama, Peru, Poland, Romania.

Abstaining: Switzerland, Thailand, Turkey, Union of South Africa, United Arab Republic, Venezuela, Cambodia, Congo (Leopoldville), Dominican Republic, Ethiopia, Holy See, Indonesia, Liberia, Netherlands, Pakistan, Philippines, Saudi Arabia.

The amendment was rejected by 45 votes to 12, with 17 abstentions.

11. The PRESIDENT invited the Conference to vote on the ten-nation amendment to paragraph 2 (A/CONF.20/L.21 and Add.2).

12. Mr. BOISSIER-PALUN (Senegal) said he wished to submit an oral sub-amendment to the ten-nation amendment, in order to ensure that the reference to administrative jurisdiction had the same meaning for all countries.

13. Mr. GLASER (Romania), speaking on a point of order, pointed out that, under rule 39 of the rules of

procedure, after the President had announced the beginning of voting, no representative could interrupt the voting except on a point of order in connexion with the actual conduct of the voting. As the President had announced the voting on the ten-nation amendment, the representative of Senegal could not speak in order to submit a sub-amendment.

14. Mr. BOISSIER-PALUN (Senegal) challenged that interpretation. The voting on the amendment submitted by Libya, Morocco and Tunisia had been concluded and the voting on the ten-nation amendment had not yet begun. Consequently, he considered it was perfectly in order to submit a sub-amendment to the proposal at that stage.

15. After referring to rule 22 of the rules of procedure, the PRESIDENT ruled in favour of the Romanian representative's interpretation.

16. Mr. de VAUCELLES (France) appealed against the President's ruling. Rule 39 of paragraph 2 stated that the term "voting" referred to the voting on each individual proposal or amendment; in the particular case, that meant the ten-year amendment, on which the Conference had not yet begun to vote. The representative of Senegal was therefore fully entitled to submit a sub-amendment.

The French representative's appeal was put to the vote.

The President's ruling was overruled by 34 votes to 26, with 9 abstentions.

17. Mr. BOISSIER-PALUN (Senegal) expressed satisfaction at the decision taken by the Conference. The oral sub-amendment he wished to propose to the ten-nation amendment did not alter the sense, but merely clarified the meaning of the expression "administrative jurisdiction"; he proposed that the words "and the jurisdiction of police courts" should be added after the words "paragraph 1 of article 29". If that sub-amendment was accepted by the sponsors of the ten-nation amendment, the delegation of Senegal would vote in favour of that amendment; otherwise it would vote against it.

18. Mr. VALLAT (United Kingdom) regretted that the President's decision had been overruled on appeal, for it had been fully in conformity with the rules of procedure.

19. The ten-nation amendment represented a considerable effort at conciliation and was the outcome of numerous consultations among delegations. Its sponsors could not accept a sub-amendment which, by further extending the scope of the exceptions to immunity from jurisdiction, would reduce the results of the efforts made to nothing. Moreover, the distinction between criminal jurisdiction and civil and administrative jurisdiction was already drawn in article 29 and there was no need for further definition in article 36.

20. The PRESIDENT put to the vote the oral sub-amendment proposed by Senegal.

The sub-amendment was rejected by 46 votes to 13, with 14 abstentions.

21. The PRESIDENT invited the Conference to vote on the ten-nation amendment (A/CONF.20/L.21 and Add.2).

A vote was taken by roll-call.

The Ukrainian Soviet Socialist Republic, having been drawn by lot by the President, was called upon to vote first.

In favour: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Federation of Malaya, Finland, France, Federal Republic of Germany, Ghana, Greece, Holy See, Honduras, Hungary, India, Iran, Ireland, Italy, Japan, Korea, Liberia, Liechtenstein, Luxembourg, Mexico, Netherlands, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Romania, Spain, Sweden, Turkey.

Against: Venezuela, Lebanon, Libya, Morocco, Saudi Arabia, Senegal, Tunisia.

Abstaining: Union of South Africa, United Arab Republic, Uruguay, Viet-Nam, Yugoslavia, Australia, Burma, Congo (Leopoldville), Ecuador, Guatemala, Indonesia, Iraq, Israel, Peru, Portugal, Switzerland, Thailand.

The ten-nation amendment was adopted by 52 votes to 7, with 17 abstentions.

22. The PRESIDENT then put to the vote paragraph 2 as amended.

At the request of the representative of Morocco, a vote was taken by roll-call.

Libya, having been drawn by lot by the President, was called upon to vote first.

In favour: Liechtenstein, Luxembourg, Mexico, Netherlands, Nigeria, Norway, Panama, Philippines, Poland, Romania, Spain, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Federation of Malaya, Finland, France, Federal Republic of Germany, Ghana, Greece, Holy See, Honduras, Hungary, India, Iran, Ireland, Israel, Italy, Japan, Korea, Liberia.

Against: Libya, Morocco, Saudi Arabia, Senegal, Tunisia, Venezuela, Lebanon.

Abstaining: Pakistan, Peru, Portugal, Switzerland, Thailand, Union of South Africa, United Arab Republic, Viet-Nam, Yugoslavia, Australia, Burma, Congo (Leopoldville), Ecuador, Guatemala, Indonesia, Iraq.

Paragraph 2, as amended was adopted by 52 votes to 7, with 16 abstentions.²

² Subject to drafting changes consequential on the adoption of the ten-nation amendment.

Paragraph 3

Paragraph 3 was adopted without comment.

Paragraph 4

Paragraph 4 was adopted without comment.

Article 36 as a whole, as amended, was adopted by 61 votes to 5, with 7 abstentions.

23. Mr. de VAUCELLES (France) said that he had voted in favour of all the amendments to paragraph 2 of article 36, and in favour of that paragraph as amended, because the amended provision was more satisfactory than the text submitted to the Conference. On the other hand, he had abstained from voting on article 36 as a whole, because it did not entirely meet the wishes of the French delegation. He accordingly reserved the French Government's position in regard to article 36.

24. Mr. CARMONA (Venezuela) commended the efforts made to reach a solution acceptable to the majority but, in accordance with the instructions he had received, reserved his government's position in regard to paragraphs 2, 3 and 4 of article 36.

ARTICLE 37

25. The PRESIDENT, inviting debate on article 37, drew attention to amendments submitted by the Netherlands delegation (A/CONF.20/L.6).

26. Mr. RIPHAGEN (Netherlands), introducing his delegation's amendment to article 37, paragraph 1, said that the International Law Commission, in its commentary on article 50 of its draft on consular relations (A/4425), expressed the view that the immunity from jurisdiction enjoyed by consular officials employed by a foreign State who were nationals of the receiving State in respect of official acts performed in the exercise of their functions was not a personal immunity, but rather an immunity attaching to the sending State. By analogy, therefore, his delegation considered that the immunity provided for in article 37, paragraph 1, of the draft convention on diplomatic relations should apply to all members of the mission, regardless of rank or nationality, provided that they were performing official acts in the exercise of their functions. The amendment submitted by his delegation would produce that effect.

27. Mr. EL-ERIAN (United Arab Republic) pointed out that in the draft which formed the basis of the Conference's work, the International Law Commission had drawn a distinction between nationals of the receiving State who were diplomatic agents and those who formed part of the administrative and technical staff of the mission. Immunity was granted only to nationals of that State who were in the first category, and article 7, paragraph 2, expressly provided that members of the diplomatic staff of the mission could not be appointed from among persons having the nationality of the receiving State except with the consent of that State. During the discussion on that article in Committee it

had, moreover, been pointed out that it was comparatively rare for a diplomatic agent to be a national of the receiving State. On the other hand, it was quite common for members of the administrative and technical staff to be nationals of the receiving State, and it was therefore necessary to avoid placing that State in the position of having either to grant immunities to its nationals or to prohibit them from joining the administrative or technical staff of a foreign diplomatic mission. The criterion to be applied was that stated in the second sentence of article 37, paragraph 2, but the Conference could not challenge the unanimously accepted principle that the receiving State had jurisdiction over its own *nationals* in its territory.

28. Mr. CAMERON (United States of America) thought that the Netherlands amendment, if adopted, would make article 37 even less clear. As it stood, the article did not mention members of the family of a diplomatic agent who were nationals of the receiving State. If the Netherlands amendment should be adopted, it might be advisable to add at the beginning of article 37, paragraph 2, the words "Members of the family of a member of the mission . . ."

29. Mr. VALLAT (United Kingdom), speaking on behalf of the delegations of the Commonwealth countries, pointed out that the nationals of a number of those countries possessed British nationality, but were citizens of their respective countries. Consequently, the words "nationals of the receiving State" should be understood in the Commonwealth countries to mean "citizens of the receiving State".

30. Mr. OJEDA (Mexico) agreed with the representative of the United Arab Republic that article 37 was linked with article 7. A State could not be obliged to grant privileges and immunities to its nationals if they joined the staff of a foreign diplomatic mission. Consequently, the adoption of the Netherlands amendment would only hinder the satisfactory operation of the mission; for under the constitutions of a number of countries, including Mexico, such privileges and immunities could not be granted to nationals and those countries would consequently be obliged to object to the employment of their nationals on the staff of a foreign diplomatic mission. The Mexican delegation would therefore vote against the Netherlands amendment.

31. Mr. WICK KOUN (Cambodia) explained that, as he had pointed out in the Committee of the Whole, Cambodian citizens were forbidden to join the diplomatic staff of a foreign mission, on pain of losing their nationality. Furthermore, under the Cambodian Constitution, privileges and immunities could not be granted in Cambodia to members of the administrative and technical staff, members of the service staff and private servants employed by a foreign mission who were Cambodian nationals. However, as article 37, paragraph 2, made it possible for the receiving State not to grant such privileges and immunities, the Cambodian delegation would vote in favour of article 37. On the other hand, it would be obliged to vote against the Netherlands amendment.

32. Mr. CARMONA (Venezuela) said that the Venezuelan Constitution, which was based on the principles of the French Revolution, declared that all citizens were equal before the law. Hence Venezuela did not grant privileges or immunities to Venezuelan citizens who were on the staff of a foreign diplomatic mission, and his delegation would not be able to accept a text providing that Venezuelan nationals, whether acting in the course of their official functions or not, were not subject to Venezuelan law. His delegation would therefore vote against article 37.

33. Mr. BOISSIER-PALUN (Senegal) said he would vote against the Netherlands amendment, as he thought it destroyed the balance of article 37.

The first of the Netherlands amendments (A/CONF.20/L.6) was rejected by 44 votes to 12, with 13 abstentions.

Article 37, paragraph 1, was adopted by 63 votes to 1, with 8 abstentions.

34. Mr. RIPHAGEN (Netherlands) withdrew the second of his delegation's amendments (A/CONF.20/L.6).

Article 37 as a whole was adopted by 63 votes to 1, with 9 abstentions.

35. Mr. MATINE-DAFTARY (Iran) said he had abstained from voting on article 37 because it was the corollary to article 7, the adoption of which his delegation had opposed.

Adoption of the draft convention as a whole

36. The PRESIDENT said that the Conference had concluded the consideration of all the articles of the draft convention and of the amendments thereto. He invited the Conference to vote on the Vienna Convention on Diplomatic Relations, as a whole.

The Vienna Convention on Diplomatic Relations was adopted, as a whole, by 72 votes to none, with 1 abstention.³

Draft resolution on the consideration of civil claims

37. The PRESIDENT invited debate on the draft resolution submitted by Israel concerning the consideration of civil claims (A/CONF.20/L.4/Rev.1).

38. Mr. LINTON (Israel) said that his delegation had drawn the attention of the Committee of the Whole (29th meeting, paragraph 2) to the comment made by the United Kingdom in 1959 on the International Law Commission's draft and to the preamble of the Havana Convention of 1928. The delegation of Israel had submitted its draft resolution for both practical and humanitarian reasons. While the immunity enjoyed by diplomats was necessary for the exercise of their functions, it would be unjust if a private person were denied what was due to him as a result of that immunity. The draft resolution proposed by Israel was designed to help the nationals of the receiving State in that it recommended that the sending State should waive diplomatic immunity in

³ The text of the Convention was subsequently circulated as document A/CONF.20/13 and Corr.1. See also vol. II.

civil claims or use its best endeavours to bring about a just settlement. It was also intended to eliminate causes of misunderstanding and tension which might be prejudicial to the good name of a diplomatic mission and consequently to the performance of its functions.

39. The draft resolution had not, of course, the mandatory character of an article of the Convention, but it created a moral obligation. If adopted, it would express the opinion of the Conference and constitute a guiding principle by which sending States could solve a serious problem on which the Convention said nothing, except for the provision concerning the waiver of immunity by the sending State.

40. He earnestly hoped that the Conference would adopt the draft resolution.

The draft resolution (A/CONF.20/L.4/Rev.1) was adopted by 50 votes to 2, with 18 abstentions.⁴

Draft optional protocol concerning acquisition of nationality

41. The PRESIDENT invited the Conference to consider the draft optional protocol concerning acquisition of nationality (A/CONF.20/L.14/Add.1). The protocol had been prepared by the Drafting Committee in pursuance of a decision taken by the Conference at its ninth plenary meeting.

The draft optional protocol concerning acquisition of nationality was adopted.⁵

Optional protocol concerning the compulsory settlement of disputes (resumed from the 11th meeting and concluded)

42. Mr. KRISHNA RAO (India) proposed that the optional Protocol concerning the compulsory settlement of disputes, adopted at the eleventh meeting, should be amended so as to extend its application to the optional Protocol, concerning acquisition of nationality.

43. The PRESIDENT noted that the Conference appeared to support the proposal. He thought it could safely be referred to the Drafting Committee and that there would be no need for the Conference to examine the final text.

It was so agreed.⁶

Tribute to the International Law Commission

44. The PRESIDENT drew attention to a draft resolution submitted by the United Arab Republic (A/CONF.20/L.22), expressing the Conference's gratitude to the International Law Commission for its outstanding work.

⁴ The resolution was subsequently embodied in an addendum to the Final Act (A/CONF.20/10/Add.1). See also vol. II.

⁵ For a definitive text of this protocol see document A/CONF.20/11.

⁶ For the definitive text of the protocol incorporating the necessary amendments, see document A/CONF.20/12 (article IV and article IX (b)).

45. Mr. EL-ERIAN (United Arab Republic) said he was happy to announce that Spain had agreed to be co-sponsor of his delegation's proposal.

46. Despite the differences of opinion that had arisen during the discussion, the Conference had been unanimous in its admiration for the International Law Commission's draft, which was a truly outstanding document. Numerous amendments had been submitted, but in many cases it had proved wiser to revert to the Commission's text and be guided by its commentaries.

47. His tribute included the President of the Conference, who was an eminent member of the Commission. The delegation of the United Arab Republic was sure that the International Law Commission would prove equal to its task and preserve international law while adapting it to modern needs.

48. Mr. MATINE-DAFTARY (Iran) expressed the gratitude of the International Law Commission to the delegations which had honoured it by their draft resolution. As a member of the Commission he would abstain from voting on that resolution, for reasons which the Conference would appreciate.

The draft resolution proposed by the United Arab Republic and Spain (A/CONF.20/L.22) was adopted.⁷

Tribute to the Government and people of the Republic of Austria

49. The PRESIDENT invited the Conference to consider the draft resolution submitted jointly by Ceylon, the Federation of Malaya, Ghana, India, Indonesia and Spain (A/CONF.20/L.24) expressing the Conference's appreciation to the Government and people of Austria.

50. Mr. DADZIE (Ghana), speaking on behalf of the sponsors of the draft resolution, recalled Vienna's historic role in diplomatic history and thanked the Austrian Government for its generous hospitality.

51. Mr. BOISSIER-PALUN (Senegal) associated himself with the words spoken by the representative of Ghana and thanked all the Conference staff.

52. Mr. KIRCHSCHLAEGGER (Austria) expressed his appreciation of the gratitude that had been showered on his government and his country. He thanked the delegations which had made Austria's task so easy and had done it the great honour of accepting its invitation.

The draft resolution (A/CONF.20/L.24) was adopted by acclamation.⁷

53. The PRESIDENT proposed that in accordance with the recommendation of the Committee of the Whole (41st meeting) the Final Act of the Conference should be deposited in the archives of the Federal Government of Austria.

It was so decided.

⁷ The resolution was embodied in an addendum to the Final Act (A/CONF.20/10/Add.1).

54. The PRESIDENT said that, in accordance with the usual practice, the Final Act would be drafted by the Secretariat under the supervision of the President and approved by the Drafting Committee.⁸

Closure of the Conference

55. Mr. GUNewardENE (Ceylon), speaking on behalf of a group of delegations of African and Asian States, paid a tribute to the President of the Conference whom his delegation had had the honour to propose. There could not have been a more suitable choice and the name of President Verdross would go down in history for the leading part he had played in the proceedings of the Conference.

56. On behalf of his own delegation and those of the Federal Republic of Germany, Belgium, France, Ireland, Luxembourg, the Netherlands, Portugal and Spain, Mr. RUEGGER (Switzerland) expressed their gratitude to the President, to the Government of Austria and to the city of Vienna for the warm welcome extended to the Conference. It was thanks to that welcome that the Conference had been able to complete a vital task, which would contribute greatly to the strengthening of the principles of international law.

57. Mr. REGALA (Philippines), Mr. HAYTA (Turkey), Mr. BARTOŠ (Yugoslavia) and Mr. CAMERON (United States of America) also expressed their gratitude to the Government of Austria and the city of Vienna, to the President of the Conference, the representative of the Secretary-General and the Executive Secretary and to all the staff who had contributed to the success of the Conference.

58. Speaking on behalf of the delegations of the Commonwealth countries, Mr. GHAZALI (Federation of Malaya) endorsed the words of the previous speakers.

59. Mr. WESTRUP (Sweden), speaking for the delegations of Finland, Norway, Denmark and Sweden, and Mr. MARESCA (Italy) also joined in the thanks expressed.

60. Mr. BIRECKI (Poland) said that he had been asked by the delegations of Albania, Bulgaria, the Byelorussian SSR, Czechoslovakia, Hungary, Romania, the Ukrainian SSR, and the USSR to express their great appreciation of the courtesy and objectivity shown by the President and of the welcome given by the Government of Austria and the city of Vienna. He regretted that despite even such favourable conditions the Conference had not been able to accept a provision which would have made the Convention universal and to admit the participation of all sovereign States. He hoped that the work accomplished would contribute to the development of relations of peaceful coexistence among nations with different social structures.

61. Mgr. CASAROLI (Holy See) expressed his delegation's thanks to the Government of Austria and to the city of Vienna for their generous hospitality. He was happy to think that Vienna would in future centuries, too, remain the capital of diplomatic law.

62. At the same time he wished to pay a tribute to the great jurist who had presided over the Conference's proceedings.

63. The proceedings had not always been easy; there had been clashes, not so much of opinions as of different legal traditions and of almost irreconcilable divergences of interests. In keeping with its own tradition, his delegation had sought only after truth, intervening only to support the cause of justice and equity, to facilitate understanding and promote friendship among nations and States. Fortunately, the Conference had been characterized by a spirit of co-operation, and the new Vienna Convention augured well for the work of diplomats. The provision in the Convention which confirmed an ancient principle concerning the Holy See should be taken as a tribute to the higher values which the Holy See had upheld steadfastly in the international community. He expressed the earnest wish that the new Convention would succeed in its purpose.

64. Mr. HU (China), Mr. LINTON (Israel), Mr. BOLINI SHAW (Argentina), the latter speaking also on behalf of the Latin American delegations, and Mr. ZLITNI (Libya), all expressed their gratitude to the President of the Conference, the Government of Austria and the city of Vienna.

65. Mr. MATINE-DAFTARY (Iran) pointed out that whereas at the first Congress of Vienna in 1815 a great Austrian, Prince Metternich, had stood for force, at the second Congress of Vienna another great Austrian, President Verdross, had stood for the rule of law.

66. The PRESIDENT noted that after more than six weeks of sustained and sometimes intensive work, the Conference had adopted, by an overwhelming majority, a convention on diplomatic relations which was to bear the name of the city of Vienna. Although it might be said that the results were modest and that the Conference had not achieved the brilliance or the fame of the Congress of Vienna, it should not be forgotten that lasting works were characterized by modesty, which was often the sign of true success. The Conference had been convened not to settle the grave problems of the hour, but to prepare the instruments with which others could settle them, with order, method, calm and serenity.

67. He thanked the Austrian Government and the officials of the Austrian Republic for the technical preparations made for the Conference and for their friendly welcome. He paid a tribute to Mr. Lall, Chairman of the Committee of the Whole, and Mr. Gunewardene, Chairman of the Drafting Committee, who had performed their duties with such ability and tact, and thanked the rapporteur, the vice-presidents and the representatives, who had created the friendly atmosphere in which the work of the Conference had been conducted. He also

⁸ For the text of the Final Act, see document A/CONF.20/10.

thanked the representative of the Secretary-General, the Executive Secretary and the secretariat staff for the important work they had done.

68. In conclusion, he expressed the hope that the spirit of co-operation which had guided the work of the Conference would live on and contribute to the solution of

other international problems in the interests of world peace and the wellbeing of all nations.

69. He declared the United Nations Conference on Diplomatic Intercourse and Immunities closed.

The meeting rose at 7.15 p.m.
