

United Nations Conference on Diplomatic Intercourse and Immunities

Vienna, Austria
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Second plenary meeting

Extract from Volume I of the *Official Records of the United Nations Conference on Diplomatic Intercourse and Immunities (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

51. The Conference was called upon to continue the work of the Congress of Vienna on the codification of diplomatic law. Until the signing of the Regulation of Vienna on 19 March 1815, questions of diplomatic rank had caused much friction in international practice. The success of that regulation in bringing to an end the earlier difficulties raised by the precedence of diplomatic officers encouraged the hope that the "Second Congress of Vienna" would also be crowned with success.

52. However, the task before the Conference covered a much wider field of diplomatic law than the Regulation of Vienna. That regulation had merely settled the classification of the various groups of diplomatic agents and the rank of each class; the Conference was to codify the rules governing diplomatic intercourse and immunities in general. That immense task was, however, greatly facilitated by the International Law Commission's draft (A/CONF.20/4).

53. The rules governing diplomatic intercourse and immunities had a long history. From the inception of international relations, and in particular since the establishment of permanent missions, the need had been felt to give diplomats a special status in order to enable them to carry out their duties unhindered. International practice had thus evolved a number of special rules which constituted the most stable and least disputed part of customary international law. They proceeded so obviously from the need for the peaceful coexistence of States that even the great political, economic and social upheavals of the twentieth century had not broken them down.

54. Although those rules were firmly established, there were sound reasons for codifying them in an international convention rather than leaving them in their traditional setting of customary international law. First, they had grown essentially out of the practice of the European and American States. With the emergence of the new States of Africa and Asia, it was appropriate that a body of customary law which had evolved in an international community consisting only of the western world should be formally recognized by the new world-wide international community. Secondly, codification was never a mere restatement of customary law. Its aim was also to clarify customary rules — always somewhat vague and uncertain — and even to transform practices based on mere courtesy into rules of law, if the new needs of the world-wide international community so required. For example, in article 34 of the International Law Commission's draft it was proposed to transform certain privileges previously granted to diplomats by courtesy into rules of international law.

55. Custom, once the most important source of international law, had lost its predominance. The ever-increasing number of States with different civilizations, and the recent great political, economic and social changes called for a process more rapid than custom for the evolution of rules of law; customary rules could only emerge slowly and under relatively uniform and stable conditions. For that reason, conventions had become the main instrument for developing international law.

56. The Conference's conclusions would affect not only Europe but all mankind. He hoped it would produce satisfactory results capable of strengthening good international relations, and so help to maintain peace in the world.

Adoption of the agenda

[Agenda item 3]

The provisional agenda (A/CONF.20/1/Rev.1) was adopted.

The meeting rose at 5.45 p.m.

SECOND PLENARY MEETING

Friday, 3 March 1961, at 3.40 p.m.

President: Mr. VERDROSS (Austria)

Adoption of the rules of procedure

(A/CONF.20/2 and Corr.1)

[Agenda item 4]

1. The PRESIDENT drew attention to the provisional rules of procedure prepared by the Secretariat (A/CONF.20/2 and Corr.1).

2. Mr. VALLAT (United Kingdom) said that his delegation was grateful to the Secretariat for preparing the excellent provisional rules of procedure, but before the election of the vice-presidents, it wished to propose that rule 13 be amended to provide for a general committee of twenty-two members, instead of twenty-one. The purpose of the amendment was to facilitate agreement on the list of States from which the vice-presidents would be drawn.

3. Mr. MATINE-DAFTARY (Iran) supported the amendment.

4. Mr. BARNES (Liberia) had no objection to the proposed amendment, but pointed out that its adoption would involve the amendment of rule 6, to provide for the election of twenty, instead of nineteen, vice-presidents.

5. The PRESIDENT said that, if the proposed amendment to rule 13 was adopted, the necessary consequential changes in the other rules of procedure would be made automatically.

The amendment was adopted.

The provisional rules of procedure (A/CONF.20/2 and Corr.1), as amended, were adopted.

Election of the chairman of the Committee of the Whole

[Agenda item 6]

6. The PRESIDENT invited nominations for the office of chairman of the Committee of the Whole.

7. Mr. BIRECKI (Poland) proposed Mr. Arthur S. Lall (India), who had served his country in many important positions and had been connected with the work of the United Nations since the seventh session of the General Assembly. His knowledge and long experience would contribute most effectively to the success of the Conference.

8. Mr. MATINE-DAFTARY (Iran) and Mr. WESTRUP (Sweden) seconded the nomination.

9. The PRESIDENT proposed that, since there was only one nomination, the secret ballot required under rule 43 of the rules of procedure should be dispensed with.

It was so agreed.

Mr. Arthur S. Lall (India) was elected chairman of the Committee of the Whole by acclamation.

Election of vice-presidents

[Agenda item 5]

10. The PRESIDENT said that under rule 6 of the rules of procedure, as amended, the Conference was to elect twenty vice-presidents. Subject to the approval of the Conference, he proposed that the vice-presidents should be the representatives of the following States: Argentina, Canada, Chile, China, Colombia, Czechoslovakia, France, Iran, Iraq, Italy, Liberia, Mexico, Nigeria, Philippines, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

It was so agreed.

Appointment of the Credentials Committee

[Agenda item 7]

11. The PRESIDENT said that, under rule 4 of the rules of procedure, the Conference was to appoint a Credentials Committee consisting of nine members. Subject to the approval of the Conference, he proposed that the committee should consist of the representatives of the following States: Australia, El Salvador, Haiti, Mali, Philippines, Spain, Union of Soviet Socialist Republics, United Arab Republic and the United States of America.

It was so agreed.

Organization of work

[Agenda item 8]

12. The PRESIDENT proposed that the Conference should refer items 10 and 11 of the agenda, which con-

stituted the main part of its work, to the Committee of the Whole.

It was so agreed.

The meeting rose at 4.10 p.m.

THIRD PLENARY MEETING

Thursday, 16 March 1961, at 10.30 a.m.

President: Mr. VERDROSS (Austria)

Election of the Drafting Committee

[Agenda item 9]

1. The PRESIDENT pointed out that under rule 48 of the rules of procedure, the Conference was to appoint, on the proposal of the General Committee, a drafting committee consisting of not more than nine members, which would be responsible for the final drafting and co-ordination of the instruments approved by the committees of the Conference. The General Committee¹ had decided to recommend that the membership of the drafting committee should be increased to twelve, to ensure wider representation. It proposed, therefore, that the Conference should amend the first sentence of rule 48 to read:

“The Conference shall appoint, on the proposal of the General Committee, a drafting committee which shall consist of not more than twelve members.”

The amendment was adopted.

2. The PRESIDENT announced that, in accordance with rule 48 as amended, the General Committee proposed that the Conference should appoint a drafting committee with the following membership: Mr. Geraldo Eulalio do Nascimento e Silva (Brazil), Mr. R. S. S. Gunewardene (Ceylon), Mr. Hu Ching-yu (China), Mr. Warde N. Cameron (United States), Mr. Jacques Patey (France), Mr. E. K. Dadzie (Ghana), Mr. Endre Ustor (Hungary), Mr. Alfonso de Rosenzweig Diaz (Mexico), Mr. F. A. Vallat (United Kingdom), Mr. Abdullah El-Erian (United Arab Republic), Mr. Rudolf L. Bindschedler (Switzerland) and Mr. G. I. Tunkin (Union of Soviet Socialist Republics).

The drafting committee was appointed with that membership.

The meeting rose at 10.45 a.m.

¹ The General Committee, composed of the President of the Conference, the Vice-Presidents and the Chairman of the Committee of the Whole met once only, on 16 March 1961. At this meeting it recommended the amendment of rule 48 of the rules of procedure and the appointment of a drafting committee.