

**United Nations Conference on the Representation of States  
in Their Relations with International Organizations**

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**14th meeting of the Committee of the Whole**

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in connexion with permanent missions and the expression "the facilities required" in connexion with permanent observer missions.

74. Mr. KIM (Democratic People's Republic of Korea) expressed his delegation's support for the consolidated amendment resulting from the merger of the amendments contained in documents A/CONF.67/C.1/L.39 and L.44.

75. Mr. KABUAYE (United Republic of Tanzania) said that, following the merger of the two amendments, he would suggest the introduction at the end of the text now proposed of some wording on the lines of the concluding passage of paragraph 2: "such facilities as lie within its own competence".

76. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that, following the merger of the two amendments, the oral subamendment he had previously put forward now applied to the consolidated amendment.

77. Mr. WERSHOF (Canada), speaking on a point of order, said that the oral subamendment could not be properly voted upon because it had not been circulated in writing beforehand in all languages. Moreover, the substance of the subamendment had no relation to article 20 now under discussion or the amendment to it.

78. The CHAIRMAN said that oral amendments had already been discussed on occasion by the Committee although not submitted within the specified time-limit. Moreover, the last sentence of rule 30 of the rules of procedure enabled him to permit the discussion and consideration of amendments that had not been circulated in all languages on the day preceding the meeting.

79. Mr. DO NASCIMENTO E SILVA (Brazil) pointed out that the substance of the Ukrainian subamendment related to article 23 (Inviolability of the premises).

80. Mr. RICHARDS (Liberia) supported the Canadian representative. Representatives should have been given a reasonable time to study a proposal such as that read out by the Ukrainian delegation.

81. Mr. UNGERER (Federal Republic of Germany) said that his delegation had much sympathy for the substance of the Ukrainian proposal, especially since the very recent incident affecting a permanent mission of his own country. It felt, however, the proposal such as that submitted by the Ukrainian representative could not be discussed without a text having first been circu-

lated in writing. In any case, the proposal should have been submitted as an amendment to a later article.

82. Mr. KUZNETSOV (Union of Soviet Socialist Republics) expressed surprise at the rigid attitude adopted by the Canadian representative. The Committee had so far applied the relevant rules of procedure with considerable flexibility. In recent meetings of the Committee oral amendments submitted without notice by a number of delegations had been discussed and voted upon.

83. The CHAIRMAN, giving a ruling on the point of order raised by the Canadian representative, said that the two sentences proposed by the Ukrainian representative had been submitted as a subamendment to the consolidated amendment. So far, however, the Committee had not set any time-limit for the submission of subamendments.

84. That being said, he felt that the Ukrainian proposal appeared to relate to paragraph 2 of article 23 (Inviolability of the premises). He therefore appealed to the Ukrainian representative to submit it in writing as an amendment to that later article.

85. Mr. BABIY (Ukrainian Soviet Socialist Republic) said that, in the light of the exchange of views that had taken place in a spirit of co-operation, his delegation agreed to submit its oral subamendment in writing for discussion in connexion with the relevant article at a later meeting.

86. The CHAIRMAN thanked the Ukrainian representative for his co-operation and put to the vote the consolidated amendment to replace paragraph 1 of article 20 by the following text: "The host State shall accord to the mission all the facilities required for the performance of its functions".

*The amendment was adopted by 60 votes to none, with 2 abstentions.*

*Article 20, as a whole, as amended, was adopted unanimously.*

87. Mr. KABAUYE (United Republic of Tanzania), explaining his vote, said that his delegation had voted in favour of the article as amended on the understanding, expressed by it during the discussion, that the host State's obligations were conditioned by its possibilities in the matter.

*The meeting rose at 6.15 p.m.*

## 14th meeting

Friday, 14 February 1975, at 10.45 a.m.

Chairman: Mr. NETTEL (Austria).

*In the absence of the Chairman, Mr. Wershof (Canada), Vice-Chairman, took the Chair.*

**Consideration of the question of the representation of States in their relations with international organizations in accordance with resolutions 2966 (XXVII), 3072 (XXVIII) and 3247 (XXIX) adopted by the**

**General Assembly on 14 December 1972, 30 November 1973 and 29 November 1974 (continued)**

*Article 21 (Premises and accommodation) (A/CONF.67/4, A/CONF.67/C.1/L.42, L.47)*

1. Mr. UNGERER (Federal Republic of Germany), introducing the amendment by his delegation to article 21

(A/CONF.67/C.1/L.42), said that the amendment applied both to the International Law Commission's article 21 (see A/CONF.67/4) and to the text of the amendment proposed by the Netherlands delegation (A/CONF.67/C.1/L.47). The delegation of the Federal Republic of Germany was proposing that the words "at equitable conditions" should be inserted in those texts. In fact, experience showed that in some towns where international organizations had their headquarters, it was very difficult to find suitable accommodation for the members of permanent missions and for the staff of those organizations' secretariats, and that often the conditions on which that accommodation could be obtained, in particular the amount of rents, gave rise to serious difficulties. Some practices amounted to an exploitation of those who were looking for accommodation. From that point of view, the host State and the organization should be prepared to give advice and to ensure protection.

2. The host State derived certain advantages from the presence of international organizations in its territory, both on account of the prestige and on account of the inflow of foreign exchange that resulted from it. In return, the host State had to contribute to the cost of the construction of the international organization's premises and grant the necessary privileges and immunities; a further obligation devolving on it consisted precisely in assisting the mission to obtain accommodation on "equitable" conditions. The word "equitable" which was contained in the amendment by the Federal Republic of Germany, could be replaced by "reasonable".

3. Mr. MAAS GEESTERANUS (Netherlands) said that in the opinion of his delegation, which had submitted the amendment in document A/CONF.67/C.1/L.47, it was first and foremost the organization that should provide the assistance referred to in the article under discussion; intervention by the host State should be purely accessory. The article prepared by the International Law Commission (ILC) was based on the opposite assumption. In addition, he noted that in the English version of paragraph 1 of the International Law Commission's text, the term "*locaux*" was rendered in one place by "premises" and in another by "accommodation".

4. Mr. MOLINA LANDAETA (Venezuela) stressed the importance of the article under consideration, which dealt with material questions which could give rise to serious difficulties when a mission was being set up. That provision was based on article 21 of the Vienna Convention on Diplomatic Relations,<sup>1</sup> which had been welcomed during the preparation of that instrument. It was the experience acquired in the meantime that had led the delegations of the Federal Republic of Germany and the Netherlands to submit their amendments.

5. He approved the substance of the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.42). It was not sufficient to assist the mission to obtain suitable accommodation for its members; it was also necessary that such accommodation be obtainable on equitable or reasonable conditions. The expression the Federal Republic of Germany was proposing to add

to paragraph 2 should also appear in paragraph 1, since it applied both to premises for a mission and to accommodation for members of the mission. It might also be inserted in the Netherlands amendment.

6. The Netherlands delegation's amendment (A/CONF.67/C.1/L.47) had the advantage of placing the emphasis, in paragraph 1, on the assistance that the organization should give, which was not mentioned in the corresponding provision of the International Law Commission's draft. However, the Commission's wording should not on that account be upset. It was the host State which was in the best position to assist the sending State to obtain premises and it was therefore on the host State that responsibility for that task should primarily be laid. The host State and the organization should together assume that obligation, as in the case of the obligation provided for in paragraph 2.

7. Mr. DORON (Israel), referring to the terms used in the English version of article 21, paragraph 1, said that the word "premises" seemed better suited than the word "accommodation" to designate the buildings in which a mission was housed. On the other hand, the word "accommodation" was very appropriate in the case of living quarters for the members of the mission.

8. The Israeli delegation supported the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.42). As regards the Netherlands amendment (A/CONF.67/C.1/L.47) which, in the English version, very rightly made a distinction between the terms "premises" and "accommodation", he suggested the insertion of the words "and the host State" after "The Organization" at the beginning of paragraph 1, so as to bring that provision into line with paragraph 2. In that way, it would be incumbent first on the organization, then on the host State, to provide assistance in obtaining premises and accommodation, whereas the host State alone would be responsible for facilitating the acquisition of premises.

9. Mr. RAOELINA (Madagascar) said that the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.42) reflected the view not only of the Malagasy delegation but of all the developing countries. For the proper discharge by diplomats of their duties, it was important that the material questions should be settled in a satisfactory manner in the host State. For reasons relating to exchange control, many developing countries were not in a position to bear the total cost of accommodation for the members of their missions, who were often exploited by estate agencies or property owners. The Malagasy delegation therefore supported the amendment in document A/CONF.67/C.1/L.42.

10. It also supported the Netherlands amendment in document A/CONF.67/C.1/L.47. In fact, it was primarily the organization that should assist the members of a mission to obtain accommodation, and the host State should only intervene accessorially. Moreover, the host State often claimed that it could not interfere in an area which belonged directly to the private sector. Each organization should have a reception service which, in co-operation with the host State and estate agencies, would provide accommodation on reasonable conditions, as regards both rents and possible deposits and agency costs.

<sup>1</sup> United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

11. Mr EL-ERIAN (Expert Consultant) said that when the ILC had prepared article 21, it had considered at length what role should be accorded to the host State, on the one hand, and to the organization, on the other. As the premises of the mission were in the territory of the host State, it was the latter that should assist the sending State to acquire them or to obtain them in some other way, depending on whether or not its internal law enabled property rights to be acquired over the said premises.

12. In their written comments, some international organizations had expressed concern regarding the burdens that might fall on them as a result of the search for premises and accommodation. A housing service existed only at the Headquarters of the United Nations and at its Office at Geneva. The ILC had therefore taken care to confer on the organizations only a secondary role in the search for premises and accommodation.

13. Mr. DO HUU LONG (Republic of Viet-Nam) said he supported the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.42), because he had observed that diplomats were often exploited by estate agents. With regard to the Netherlands delegation's amendment (A/CONF.67/C.1/L.47), he thought it was for the host State rather than for the organization to provide assistance, since the host State could issue what regulations it considered necessary in the matter of housing.

14. Mr. ESSY (Ivory Coast) welcomed the fact that the Federal Republic of Germany, an industrialized country which did not experience all the difficulties encountered by the developing countries, had submitted an amendment from which the developing countries would be the first to benefit. The Ivory Coast delegation supported that amendment, which should also apply to paragraph 1 of the article under consideration, as the Venezuelan representative had suggested.

15. With regard to the Netherlands delegation's amendment (A/CONF.67/C.1/L.47), he pointed out that, whatever might be the powers of the organization, it was in the final analysis the host State that was best placed in practice to assist in obtaining premises and accommodation. However, intervention by the organization could not be made such assistance more effective, and the Ivory Coast delegation was therefore prepared to support the amendment in document A/CONF.67/C.1/L.47, with the addition proposed by the representative of Israel.

16. Mr. RICHARDS (Liberia) said he shared the concern of the Federal Republic of Germany, but wondered what results the latter's amendment might have in practice. What could the mission do if it ascertained that the conditions on which accommodation was offered to it were not reasonable? Who would decide whether the conditions were reasonable or not?

17. He would give preference to the International Law Commission's article 21 over the amendment submitted by the Netherlands delegation (A/CONF.67/C.1/L.47).

18. Mr. SMITH (United States of America) said he thought the wording for article 21 proposed by the

Netherlands delegation was better and more balanced than that of the ILC. In the Commission's text, the organization was only required to obtain suitable accommodation for the members of the mission; it did not have to assist the sending State to obtain premises for the mission itself. He was surprised at that distinction. In his view, the organization should help the sending State to obtain the premises for the mission and assist in the obtaining of accommodation for the members of the mission. The Netherlands delegation's amendment (A/CONF.67/C.1/L.47) was drafted in that sense. That text had the advantage of being clear, whereas the Commission's text, in particular the words "in some other way", was more obscure. Moreover, the addition which the Israeli representative was proposing to paragraph 1 was very pertinent.

19. Although he shared the concern of the delegation of the Federal Republic of Germany, he feared that the amendment in document A/CONF.67/C.1/L.42 would give rise to practical difficulties. Conditions which would be the same for all would doubtless be "equitable", but they would not necessarily be "reasonable". He therefore thought that the word "reasonable" was better.

20. Mr. PLANA (Philippines) said he considered, like the Expert Consultant, that it was primarily for the host State to facilitate the obtaining of premises and accommodation, because it was in a better position than the organization to provide such assistance. Consequently, the wording of the article prepared by the ILC was, in his view, satisfactory.

21. Mr. SUY (Legal Counsel of the United Nations) confirmed what the Expert Consultant had said with regard to international organizations. An international organization had neither the power nor the means to function as an estate agency. In addition, the amendment in document A/CONF.67/C.1/L.47, which was designed to confer functions in respect of premises and accommodation on the international organizations, would have financial implications for them.

22. Mr. GÜNEY (Turkey) said he thought that whatever might be the powers of the organization, the host State was in a better position to facilitate the acquisition of premises and accommodation, and on acceptable conditions. The Turkish delegation therefore supported the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.42). On the other hand, the Netherlands amendment (A/CONF.67/C.1/L.47) seemed considerably to weaken the role of the host State.

23. Mr. UNGERER (Federal Republic of Germany), referring to the comments by the representative of Liberia with regard to the practical results of his amendment, said that members of missions sometimes had little knowledge of the law and practice in the host State. Consequently, it was primarily for the host State, but also for the organization, to give them legal advice and to give them assistance, without, for that matter, transforming themselves into an estate agency. Exemption from value added tax, for example, was a measure that the host State might take in favour of members of missions.

24. Having regard to the remarks made by the repre-

sentative of the United States, he thought that the expression "at reasonable conditions" was better than "at equitable conditions".

25. He said that the Netherlands delegation's amendment (A/CONF.67/C.1/L.47) would be acceptable if the two paragraphs proposed began with the words "The host State and the organization". He proposed that the order of the terms "organization" and "host State" should be reversed in the two paragraphs.

26. Mr. CALLE Y CALLE (Peru) pointed out that article 21, which dealt on the one hand with premises for the mission and, on the other, with accommodation for members of the mission, was identical with article 21 of the Vienna Convention on Diplomatic Relations. In multilateral relations, as in bilateral relations, the host State had to assume certain responsibilities. The amendment in document A/CONF.67/C.1/L.47 placed those responsibilities on the organization, and the Peruvian delegation was therefore unable to support it.

27. He also pointed out that an international organization established itself in a given city on a decision by its members, the host State having given a clear indication that the city it proposed was in a position to meet the requirements of the organization and its members. Consequently, the majority of the international organizations had been set up in large cities. He therefore laid stress on the responsibilities of the host State. In the Spanish version of article 21, the ILC had stressed the obligation of the host State by employing the words "*deberá facilitar*", which the Peruvian delegation preferred to the word "*facilitará*" contained in the amendment in document A/CONF.67/C.1/L.47.

28. He proposed that the words "in obtaining accommodation" at the end of article 21, paragraph 1, should be replaced by the words "in obtaining them" and said he was prepared to support the amendment in document A/CONF.67/C.1/L.42 which aimed at avoiding unfair exploitation of the members of missions.

29. Mrs. THAKORE (India) said that the article under consideration was of great practical interest, as it was extremely difficult to find premises which met the requirements of missions. Paragraph 1 of the article clearly highlighted the role devolving on the host State. The amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.42) helped to improve the International Law Commission's text, and she agreed with the view expressed by the Venezuelan representative that the same stipulation should be introduced into paragraph 1 of the article. Her delegation could not, on the other hand, support the Netherlands amendment (A/CONF.67/C.1/L.47), as it assigned to the organization responsibilities which were incumbent on the host State.

30. Mr. MAAS GEESTERANUS (Netherlands) said that his delegation agreed to insert, in paragraph 1 of its amendment (A/CONF.67/C.1/L.47), the words "and the host State" after the words "The Organization". He nevertheless wished to emphasize that, in his delegation's view, the sending State should first apply to the organization before calling on the assistance of the host State for the obtaining of premises. His delegation was unable to modify the second sentence in paragraph

1 of its amendment, as it was a fact that, in some States, aliens were not placed on an equal footing with nationals in regard to the acquisition of premises.

31. Mr. STAEHELIN (Switzerland) said he thought that the ILC had been right to base itself on the Vienna Convention on Diplomatic Relations in elaborating the article under consideration. The Netherlands delegation had submitted an interesting amendment which reflected the existence of tripartite relations in that sphere and whose paragraph 1 took due account of the role of international organizations.

32. As the Malagasy delegation had pointed out on the subject of the amendment in document A/CONF.67/C.1/L.42, a number of host States were unable to intervene in the fixing of the rents of premises let to missions, as the situation in that respect was governed by the market. Nevertheless, it went without saying that host States should do their utmost to put the interested parties in touch with each other and facilitate the acquisition of the best possible premises.

33. The CHAIRMAN, summing up the amendments submitted to the Commission's article 21, recalled that the Netherlands delegation had agreed to add the words "and the host State" after the words "The Organization" in paragraph 1 of its amendment (A/CONF.67/C.1/L.47); that the Peruvian delegation had proposed deleting the word "premises" at the end of paragraph 1 of the Commission's text, but that that question might be referred to the Drafting Committee; lastly, that the Venezuelan delegation had proposed inserting the words "at reasonable conditions" not only in paragraph 2 of the International Law Commission's text, but also in paragraph 1, and in the amendment in document A/CONF.67/C.1/L.47, which question the Committee might also refer to the Drafting Committee. The Chairman invited the Committee to vote on the amendments to article 21.

34. Mrs. THAKORE (India) asked for a separate vote on the words "The Organization and" in paragraph 1 of the amendment in document A/CONF.67/C.1/L.47, which had been revised orally.

35. Mr. DORON (Israel) pointed out that in paragraph 1 the words "at reasonable conditions" should apply both to the acquisition of premises and to the obtaining of accommodation.

36. Mr. UNGERER (Federal Republic of Germany) reminded the Committee that he had proposed inverting the words "Organization" and "host State" in the Netherlands amendment (A/CONF.67/C.1/L.47).

37. The CHAIRMAN said that the Committee would vote first on the use of the words "The Organization and" in paragraph 1 of the amendment in document A/CONF.67/C.1/L.47, as amended orally by the Netherlands delegation, and that if those words were not maintained, the question of the word order at the beginning of the first sentence of paragraph 1 of the amendment in document A/CONF.67/C.1/L.47 would thereby be resolved.

38. Mr. MAAS GEESTERANUS (Netherlands) pointed out that if the word order in his delegation's amendment were inverted, the amendment would lose

its whole purpose, which was to emphasize that the sending State should first apply to the organization before calling upon the host State.

39. The CHAIRMAN invited the Committee to vote on the words "The Organization and", at the beginning of the first sentence of paragraph 1 of the Netherlands amendment (A/CONF.67/C.1/L.47), as revised orally.

*The words "The Organization and" at the beginning of the first sentence of paragraph 1 of the Netherlands amendment (A/CONF.67/C.1/L.47), as revised orally, were maintained by 31 votes to 16, with 13 abstentions.*

40. The CHAIRMAN then invited the Committee to vote on the proposal of the Federal Republic of Germany to invert the words "The Organization" and "the host State" at the beginning of the first sentence of paragraph 1 of the Netherlands amendment (A/CONF.67/C.1/L.47), as revised orally.

*The proposal by the Federal Republic of Germany was adopted by 35 votes to 10 with 13 abstentions.*

41. Mr. MOLINA LANDAETA (Venezuela) requested that the two sentences of paragraph 1 of the Netherlands amendment, as modified, should be put to a separate vote.

*The first sentence of paragraph 1 of the Netherlands amendment, as modified, was adopted by 41 votes to 2, with 14 abstentions.*

*The second sentence of paragraph 1 of the Netherlands amendment was adopted by 36 votes to 10, with 11 abstentions.*

42. The CHAIRMAN announced that the Netherlands representative withdrew paragraph 2 of its amendment (A/CONF.67/C.1/L.47). He therefore put to the vote paragraph 2 of the Commission's article 21.

*Paragraph 2 of article 21 was adopted by 48 votes to none, with 2 abstentions.*

43. The CHAIRMAN invited the Committee to vote on the amendment submitted by the Federal Republic of Germany (A/CONF.67/C.1/L.42) to insert, after the words "suitable accommodation", the words "at reasonable conditions".

*The amendment of the Federal Republic of Germany was adopted by 45 votes to 3, with 13 abstentions.*

44. The CHAIRMAN invited the Committee to vote on the Venezuelan proposal to introduce the words "at reasonable conditions" in paragraph 1 of article 21, it being left to the Drafting Committee to decide where those words should be inserted.

*The Venezuelan proposal was adopted by 35 votes to none, with 23 abstentions.*

45. The CHAIRMAN invited the Committee to vote on the whole of article 21, as amended, the text of which would be referred to the Drafting Committee.

*Article 21, as amended, was adopted by 55 votes to none, with 4 abstentions.*

46. Mr. MUSEUX (France) said that his delegation had abstained in the vote on inserting the words "at reasonable conditions" in paragraph 1 of article 21, as it considered that the original text should not be in-

terpreted to mean that the host State and the organization might facilitate the acquisition of premises at unreasonable conditions. It had had to vote against the amendment to insert those same words in paragraph 2 for, unlike paragraph 1, that paragraph contained no reference to the laws of the host State.

*Mr. Nettel (Austria) took the Chair.*

*Article 22 (Assistance by the Organization in respect of privileges and immunities) (A/CONF.67/4, A/CONF.67/C.1/L.49, L.52)*

47. Mr. ZEMANEK (Austria) said he fully approved of the text of article 22 prepared by the ILC, but thought that it should be supplemented and balanced by a second paragraph. The organization should not merely assist the sending State in securing the enjoyment of the privileges and immunities provided for in the Convention, but should also assist the host State in securing the discharge of the obligations of the sending State under the Convention. The amendment submitted by his delegation (A/CONF.67/C.1/L.49) was based on the International Law Commission's statement in paragraph 1 of its commentary to article 22 (see A/CONF.67/4) that:

"One of the characteristics of representation to international organizations is that the observance of juridical rules governing privileges and immunities is not solely the concern of the sending and the receiving (host) State as it is the case in bilateral diplomacy".

It was precisely because it wished to preserve the tripartite character of the relations referred to by the Convention that his delegation had proposed its amendment. That amendment would supplement article 81, which dealt with consultations between the sending State, the host State and the organization in the event of a dispute arising between the sending State and the host State. Far from conflicting with that article, it would, on the contrary, constitute a first step towards preventing disputes from arising.

48. Mr. DE VIDTS (Belgium) said that the amendment submitted by Belgium, Japan and the United States of America (A/CONF.67/C.1/L.52) was intended to supplement the International Law Commission's article 22. While it was clear that the organization should assist the sending State, the mission and the members of the mission in securing the enjoyment of the privileges and immunities provided for it by the Convention, it was equally clear that, where necessary, the organization should assist the host State in preventing abuses of those privileges and immunities, all the more so as the latter were granted to the sending State by the host State. The proposed amendment was aimed at improving relations between the sending State and the host State.

49. Mr. PASZKOWSKI (Poland) said that, in speaking of "preventing abuses of the privileges and immunities provided for by the present articles", the amendment submitted by Belgium, Japan and the United States of America (A/CONF.67/C.1/L.52) seemed to rest on the assumption that those privileges and immunities would in fact, be the subject of abuses. He found it difficult to accept such a wording and pointed out,

moreover, that the situation contemplated by the amendment in document A/CONF.67/C.1/L.52 had already been taken into consideration in article 75. In addition, it would certainly be made clear in the preamble of the future Convention that the privileges and immunities granted to the members of missions were intended solely to enable them to perform their functions.

50. With regard to the Austrian amendment (A/CONF.67/C.1/L.49), he observed that the obligations of the sending State under the Convention were manifold and comprised not only the obligation to observe the laws and regulations of the host country, but also that of promoting co-operation with the organization. Thus, the host State might request the organization to assist it in getting the sending State to discharge the latter obligation. The Austrian amendment was not sufficiently precise, and the words "where necessary" were not enough to rule out all ambiguity. Nevertheless, if he had to choose between the two amendments, his preference would go to the Austrian amendment, which was formulated in more general terms, and the underlying idea of which he approved. He thought that the Committee might ask the Drafting Committee to render that idea in more precise language, and that it might include it in the provisions relating to consultations between the sending State, the host State and the Organization in article 81.

51. Mr. CALLE Y CALLE (Peru) noted that the Spanish text of article 22 did not correspond exactly to the French and English texts. He therefore proposed that the word "*enunciados*" be replaced by the word "*previstos*". In principle, he approved of the International Law Commission's text, but thought that it would be more complete and balanced with the addition of the two amendments under consideration. Those amendments seemed to him to be useful, as abuses of the privileges and immunities granted by the convention must be avoided. He therefore supported the two amendments to article 22.

52. The CHAIRMAN said that the Drafting Committee would take account of the Peruvian representative's comment concerning the Spanish text of article 22.

53. Mr. MOLINA LANDAETA (Venezuela) said that article 22 was very important, as it emphasized the role that the organization should play. It must not be

forgotten that the relations referred to in the Convention were tripartite relations, and that the balance between the three parties must be maintained. He therefore entirely approved of the International Law Commission's text of article 22. He also approved of the idea contained in the Austrian amendment (A/CONF.67/C.1/L.49), because it seemed to him that the organization should also be able to assist the host State in securing the discharge of obligations of the sending State. He wondered, however, whether that amendment did not belong, more properly, to part IV of the draft (General provisions), which dealt, *inter alia*, with respect for the laws and regulations of the host State and with the conciliation procedure in the event of a dispute. He also supported the amendment submitted by Belgium, Japan and the United States of America (A/CONF.67/C.1/L.52), although the word "abuses" seemed to be a little too strong.

54. Mr. EUSTHIADES (Greece) thought that the two amendments to article 22 were intended to strike a balance between the assistance which the organization should give the sending State, according to the text of the article, and the assistance it should give the host State. Such a balance would be in keeping with the tripartite character of relations between the international organization, the sending State and the host State. The organization should, in fact, assist the host State in the same way as it assisted the sending State. Since those two amendments roughly expressed the same idea, he thought that they could be combined in a single amendment, for it would be difficult to add two new paragraphs to the article, one concerning abuses of privileges and immunities and the other relating to the discharge of obligations of the sending State. But if he had to choose between the two, his preference would go to the Austrian amendment (A/CONF.67/C.1/L.49), which seemed to be more precise and at the same time less exacting than the amendment submitted by Belgium, Japan and the United States of America (A/CONF.67/C.1/L.52). He wondered, however, whether the words "under the present Convention" did not go beyond the scope of article 22, which was concerned solely with the privileges and immunities "provided for by the present articles".

*The meeting rose at 1.05 p.m.*

## 15th meeting

Friday, 14 February 1975, at 3.20 p.m.

Chairman: Mr. NETTEL (Austria).

**Consideration of the question of the representation of States in their relations with international organizations in accordance with resolutions 2966 (XXVII), 3072 (XXVIII) and 3247 (XXIX) adopted by the General Assembly on 14 December 1972, 30 November 1973 and 29 November 1974 (continued)**

*Article 22* (Assistance by the Organization in respect of privileges and immunities) (*concluded*) (A/CONF.67/4, A/CONF.67/C.1/L.49, L.52)

1. Mr. KUZNETSOV (Union of Soviet Socialist Republics) said that both amendments (A/CONF.67/C.1/L.49 and L.52) were broader in scope than the contents of the article of the International Law Commission (ILC) (see A/CONF.67/4) which was entitled "Assistance by the Organization in respect of privileges and immunities". Of the two amendments, his delegation preferred the Austrian amendment (A/CONF.67/C.1/L.49), which it found acceptable in principle. It applied, however, to the discharge of the whole