

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

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**27th meeting of the Committee of the Whole**

*Extract from Volume I of the Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

on the French amendment to paragraph 1 (27) of article 1 (A/CONF.67/C.1/L.10).

*The amendment was adopted by 33 votes to 18, with 12 abstentions.*

63. The CHAIRMAN invited the Committee to vote on the eight-Power amendment to paragraph 1 of article 54 (A/CONF.67/C.1/L.80 and Corr.1) with the oral subamendment proposed by Mali and accepted by the sponsors, on the United States amendment (A/CONF.67/C.1/L.81) and on the amendment by Japan, Thailand and the United Kingdom (A/CONF.67/C.1/L.88). Then the Committee would vote on the article as a whole.

*The eight-Power amendment (A/CONF.67/C.1/L.80 and Corr.1) was rejected by 26 votes to 25, with 13 abstentions.*

*The United States amendment (A/CONF.67/C.1/L.81) was adopted by 30 votes to 19, with 17 abstentions.*

*The amendment by Japan, Thailand and the United Kingdom (A/CONF.67/C.1/L.88) was adopted by 29 votes to 23, with 13 abstentions.*

*Article 54 as a whole, as amended, was adopted by 38 votes to 14 with 13 abstentions.*

64. Mr. TODOROV (Bulgaria) stated, on behalf of the sponsors of the amendment in document A/CONF.67/C.1/L.80 and Corr.1, that, with regard to the inviolability of the premises of delegations, no restrictions were admissible since they might be utilized to the detriment of the normal exercise of the functions of delegations and the fruitful activity of international conferences, and might also cause complications in relations between States.

65. Mr. YAÑEZ-BARNUEVO (Spain) considered that a remarkable degree of balance had been achieved in the text of article 54 prepared by the ILC. For that reason he had voted against all the amendments to that text—against both those which were designed to expand the protection afforded to the premises of the delegation and those which tended to restrict it. As two of those amendments had been adopted, he had been obliged to abstain from voting on the article as a whole, but he hoped that the plenary Conference would show common sense and re-establish the International Law Commission's text.

66. Mrs. DE MEYER (Venezuela) said that she had

not taken part in the debate on article 54 and that she had abstained from voting for the reasons stated by her delegation in connexion with article 23 (15th meeting). She would, however, have preferred keeping the text prepared by the ILC.

67. Mr. TANKOUA (United Republic of Cameroon) said that he would have been unable to agree to the initial text of the amendment in document A/CONF.67/C.1/L.80 and Corr.1, but that with the subamendment proposed by Mali that text had seemed to him to be well balanced. He had therefore voted in favour of it. He had voted against the amendment in document A/CONF.67/C.1/L.81, which seemed to him to be rigid and even prejudicial to the very principle of the inviolability of the premises of the delegation. He had also voted against the amendment in document A/CONF.67/C.1/L.88, because that amendment contained a subjective element which he considered unacceptable. In his view, a careful reading showed that the amendment implied that, when there had been an intrusion into or damage to the premises of a delegation, a breach of the peace had been committed against it and its dignity had been impaired, the responsibility of the host State was involved only if special circumstances had necessitated the protection of those premises. The question then arose as to what was meant by "special circumstances", who was to decide whether such circumstances existed and when the decision should be taken. He considered that the principle of inviolability was unconditional and that the relevant measures should be primarily preventive.

68. He had therefore abstained from the vote on article 54 as a whole.

69. Mr. REID (Ireland) said he had voted in favour of article 54. He thought, however, that paragraph 3 did not exclude the right of the host State to take charge of a vehicle which constituted a traffic hazard. That observation also applied to his delegation's vote on article 23.

70. Mr. CALLE Y CALLE (Peru) said that he had abstained from the vote on article 54 because it had been distorted by the amendment to paragraph 2 (A/CONF.67/C.1/L.88). In his view, the premises of delegations should be considered as being of the same nature as the premises of missions.

*The meeting rose at 6 p.m.*

## 27th meeting

**Tuesday, 25 February 1975, at 10.50 a.m.**

*Chairman:* Mr. NETTEL (Austria).

*In the absence of the Chairman, Mr. Wershov (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 54 (Inviolability of the premises) (concluded)*  
(A/CONF.67/4, A/CONF.67/C.1/L.80 and Corr.1, L.81, L.88)

1. Mr. MARESCA (Italy), speaking in explanation of vote, said that his delegation had voted in favour of the amendment to paragraph 2 of article 54 proposed by the United Kingdom (A/CONF.67/C.1/L.88) because the text of paragraph 2 prepared by the Interna-

tional Law Commission (ILC) (see A/CONF.67/4) imposed too heavy an obligation on the host State, which could not be required to do the impossible. The United Kingdom amendment took current political realities fully into account.

*Article 55* (Exemption of the premises from taxation) (A/CONF.67/4, A/CONF.67/C.1/L.104)

2. Sir Vincent EVANS (United Kingdom), introducing his delegation's amendment to paragraph 1 of article 55 (A/CONF.67/C.1/L.104), observed that the first sentence of paragraph 1 of the commentary by the ILC (see A/CONF.67/4) indicated that article 55 paralleled article 24 and was modelled on article 24 of the Convention on Special Missions.<sup>1</sup> There were, however, important differences which could not be disregarded.

3. Paragraph 1 of article 24 of the draft articles specifically referred to the sending State or any person acting on its behalf who was the owner or the lessee of the premises of the mission, whereas paragraph 1 of article 55 contained no reference to "the owner or the lessee". Thus, in the case of premises occupied by a delegation during a long conference and owned or leased by the sending State or a person acting on its behalf, there would be no difference in the application of the two articles. In the case of a delegation sent to a conference of short duration, however, paragraph 1 of article 55 would have the effect of exempting the delegation from sales taxes or value-added taxes levied on the rental of hotel rooms, although it would be contrary to existing practice for the host State to accord to members of delegations such an exemption.

4. Likewise, although the commentary of the ILC to article 55 stated that it was modelled on article 24 of the Convention on Special Missions, the wording of those two articles was not identical. Thus, the words "To the extent compatible with the nature and duration of the functions performed" by the special mission, in paragraph 1 of article 24 of the Convention on Special Missions, had been omitted from the text of article 55, although they had been included in that Convention precisely because it was not always practical for the host State to exempt special missions from taxes included in the price of hotel rooms. Moreover, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies<sup>2</sup> contained no specific provisions according exemption from sales taxes or value-added taxes on the occupancy of hotel rooms. As indicative of the fact that existing practice did not provide for exemption from such taxes, he noted that article 64 provided that delegations would not be exempt from indirect taxes of a kind which were normally incorporated in the price of goods or services.

5. Mr. DO NASCIMENTO E SILVA (Brazil), referring to the United Kingdom amendment, pointed out that the commentaries of the ILC to the various draft articles had been very carefully worded and that the use of the word "modelled" in paragraph 1 of the

commentary to article 55 had been chosen precisely in order to indicate that the wording of that article was not intended to be identical to that of article 24 of the Convention on Special Missions.

6. In considering the problem of the exemption of the premises of the delegation from taxation, the ILC had deemed it advisable not to include a provision along the lines of the amendment proposed by the United Kingdom because existing practice varied enormously. Thus, some States did grant to delegations an exemption from the payment of sales taxes on hotel rooms, but others did not. Again, it was true that, even in the case of conferences of long duration such as the present Conference in Vienna, delegations rarely asked for an exemption from such taxes.

7. His delegation would vote against the amendment proposed by the United Kingdom because it considered that the ILC had wisely avoided the problem raised in the United Kingdom amendment, thus leaving States free to act in one way or the other, as they wished. In order to shorten the discussion on the point at issue, he would request the Expert Consultant to clarify the position of the Commission.

8. Mr. MOLINA LANDAETA (Venezuela), referring first of all to the question of privileges and immunities as a whole, said his delegation and various others had noted that, as a result of the introduction of oral amendments and attempts by some delegations to restrict the privileges and immunities of representatives of sending States, the proposed convention was beginning to look quite different from the text the ILC had proposed. In view of those considerations, his delegation would henceforth adopt a more categorical attitude towards the consideration of oral amendments and towards attempts to restrict the privileges and immunities provided for in the proposed convention.

9. Article 55 paralleled article 24, which the Committee had adopted without amendments. The ILC had modelled article 55 on article 24 of the Convention on Special Missions, although it had left out the first phrase of the latter article because, as indicated in paragraph 2 of the commentary to article 55, Governments had considered it open to interpretation either in a liberal or a narrow sense. Its deletion was thus intended to simplify the application of the provision contained in paragraph 1 of article 55. His delegation could not support the amendment proposed by the United Kingdom not only because it tended to upset the balance envisaged by the ILC in the proposed convention between the rights and obligations of sending and host States, but also because it was established practice in New York and Geneva for hotels to exempt members of delegations from the payment of taxes on the occupancy of hotel rooms upon presentation of a certificate showing that the holder was a delegate to a conference or meeting of an organ of the United Nations.

10. Mr. EL-ERIAN (Expert Consultant), replying to the question raised by the representative of Brazil, said he thought that the commentary to article 55 adequately explained the reasoning behind the wording proposed by the ILC.

<sup>1</sup> General Assembly resolution 2530 (XXIV), annex.

<sup>2</sup> General Assembly resolutions 22 A (I) and 179 (II).

11. Referring to the question of the practice followed by host States in exempting the premises of the delegation from taxation, he noted that the Convention on the Privileges and Immunities of the United Nations contained no specific provisions on that matter and that practice in the specialized agencies varied widely. The representative of Venezuela had been right with regard to the practice usually followed in New York, but it should also be kept in mind that other practices could be followed in other parts of the world, depending on the organization in question and its location.

12. Mr. AVAKOV (Union of Soviet Socialist Republics) said he agreed with the representative of Venezuela that the United Kingdom amendment to article 55 represented an attempt to restrict the privileges and immunities of representatives of sending States. His delegation therefore supported the text of article 55 prepared by the ILC. Moreover, it could not agree with the representative of the United Kingdom that the wording of article 55 had to be identical to that of article 24 of the Convention on Special Missions because the wording of the article should reflect current practice. At present, as the Expert Consultant had said, there was no real established practice and host States were free to decide whether or not to grant delegations an exemption from dues or taxes payable in respect of the occupancy of hotel rooms or similar accommodations.

13. Mr. TAKEUCHI (Japan), agreeing with the Expert Consultant that practice varied, said that account should not only be taken of practice in New York and Geneva, where the authorities had acquired considerable experience of conference administration. International conferences were now held in many places throughout the world. Furthermore, part III covered conferences of varying duration. For long conferences, the provisions in the article might be workable but for very short meetings, they would impose an administrative burden on the host State. Paragraph 1 of article 24 of the Convention on Special Missions had taken that point into account by prefacing its provisions by the phrase "to the extent compatible with the nature and duration of the functions performed by the special mission". He considered that the International Law Commission's text of article 55 was impracticable and therefore supported the United Kingdom amendment (A/CONF.67/C.1/L.104).

14. Mr. TEPAVAC (Yugoslavia) said that he preferred the International Law Commission's text of the article, although it might be conceded from a purely practical standpoint that there was some ground for the United Kingdom amendment. In most countries, however, hotel tariffs usually showed direct taxes separately, so that even from a practical standpoint, no particular difficulties need arise. From the theoretical point of view, it was clear that the provisions of the International Law Commission's text stemmed from the principle "*par in parem non habet jurisdictionem*". He would therefore vote against the United Kingdom amendment.

15. Mr. HAQ (Pakistan) said that many affluent developed countries sought the distinction of hosting con-

ferences. If a city wished to become a conference centre, it was reasonable to expect that it would fulfil the requisite obligations without imposing undue limitations on the immunities and privileges of delegations. In his view, the Expert Consultant had been overcautious in his opinion. The United Kingdom amendment (A/CONF.67/C.1/L.104) would upset the balance of the International Law Commission's text and he would therefore vote against it.

16. Mr. HELLNERS (Sweden) said that since practice on the matter admittedly varied, it might have been better if the Committee had considered the addition to a formula such as the opening phrase in paragraph 1 of article 24 of the Convention on Special Missions; that would have covered the idea in the United Kingdom amendment and satisfied many other countries.

17. Mr. YAÑEZ-BARNUEVO (Spain) supported the suggestion made by the Swedish representative. The best course seemed to be to reinstate the opening phrase in question, which was perfectly applicable to delegations to short conferences. If the Swedish suggestion was not taken up, his delegation would then vote in favour of the United Kingdom amendment.

18. Mr. TANKOUA (United Republic of Cameroon) said that he was opposed to any amendment to the International Law Commission's text.

19. Sir Vincent EVANS (United Kingdom) thought that the Committee should be given an opportunity to consider and vote upon the compromise suggestion of the Swedish and Spanish representatives in view of the fact that the Committee had accepted the practice of voting on oral amendments when they were easily understood as was clearly the case in the present instance. He was, however, reluctant to withdraw his own amendment which was more far-reaching than the Swedish suggestion and more precisely formulated.

20. Mr. MARESCA (Italy) said that, in view of the similarities between delegations and special missions, the text of the Convention on Special Missions offered a saving clause on the matter of tax exemption to which the Committee might well have recourse, in case the United Kingdom amendment was rejected.

21. Mr. MAAS GEESTERANUS (Netherlands) formally moved an oral amendment to insert at the beginning of paragraph 1 of the article the phrase "To the extent compatible with the nature and duration of the functions performed by the delegation,".

22. The CHAIRMAN accepted the oral amendment proposed by the Netherlands representative.

23. Mr. DO NASCIMENTO E SILVA (Brazil) protested against the acceptance of oral amendments; he agreed with the Venezuelan representative that they tended to change the whole meaning of the text under consideration. He would vote against the oral amendment just proposed by the Netherlands representative which was not precise in its language and would open the way to abuse. The International Law Commission's text of the article was flexible and laid no specific obligations with regard to tax exemption on the host State.

24. The CHAIRMAN said that the Committee had not so far overruled his acceptance of oral amendments either limiting or expanding the scope of articles. The

oral amendment that he had just accepted was perfectly clear in its purport.

25. Mr. TODOROV (Bulgaria) supported the protest of the Brazilian representative against last-minute oral amendments. With regard to the substance of the Netherlands oral amendment, he considered that delegations differed from special missions both in character and in functions. It was for that reason that the phrase proposed for insertion had been omitted from article 55, the text of which was in other respects the same as that of article 24 of the Convention on Special Missions.

26. Mr. MOLINA LANDAETA (Venezuela) agreed with the Brazilian representative that the increasing trend to oral amendments was a matter for concern. With regard to the substantive point at issue, it was clear from the definition of the term "special mission" in article 1 (a) of the Convention on Special Missions that special missions were not identical with delegations to organs or conferences.

27. Mr. GOBBI (Argentina) agreed with the comments made by the Brazilian, Bulgarian and Venezuelan representatives. He would vote against amendments which limited the scope of the International Law Commission's text.

28. Mr. TAKEUCHI (Japan) said his delegation would vote in favour of the Netherlands oral amendment.

29. Mr. HELLNERS (Sweden) said that in view of the fact that practice on the matter varied, it was injudicious to try to impose a strict rule with no exceptions; the consequence might be that States would not adopt the convention under consideration or would have to enter reservations. It was clear from paragraph 1 of the International Law Commission's commentary to article 55 that the phrase proposed in the Netherlands oral amendment had been included in an earlier draft of the article, so that its reinstatement could not be regarded as revolutionary.

30. The CHAIRMAN invited the Committee to vote on the two amendments to article 55, commencing with the United Kingdom amendment (A/CONF.67/C.1/L.104).

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

*The United Republic of Tanzania, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* United States of America, Zaire, Australia, Belgium, Canada, Denmark, France, Germany (Federal Republic of), Greece, Ireland, Italy, Japan, Norway, Republic of Korea, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland.

*Against:* Venezuela, Yugoslavia, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Egypt, El Salvador, German Democratic Republic, Guatemala, Hungary, India, Iraq, Ivory Coast, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Mali, Mexico, Mongolia, Niger, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Tunisia, Turkey, Ukrainian Soviet Socialist Re-

public, Union of Soviet Socialist Republics, United Republic of Cameroon.

*Abstentions:* United Republic of Tanzania, Austria, Finland, Holy See, Indonesia, Israel, Khmer Republic, Netherlands, Republic of Viet-Nam, Thailand.

*The amendment was rejected by 37 votes to 18, with 10 abstentions.*

31. The CHAIRMAN put to the vote the Netherlands oral amendment to article 55.

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

*The Netherlands, having been drawn by lot by the Chairman was called upon to vote first.*

*In favour:* Netherlands, Norway, Republic of Korea, Spain, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, Indonesia, Ireland, Israel, Italy, Japan, Khmer Republic.

*Against:* Niger, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Yugoslavia, Zaire, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Egypt, El Salvador, German Democratic Republic, Guatemala, Hungary, India, Iraq, Ivory Coast, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Mali, Mexico, Mongolia.

*Abstentions:* Nigeria, Republic of Viet-Nam, Holy See.

*The amendment was rejected by 39 votes to 24, with 3 abstentions.*

32. The CHAIRMAN put to the vote article 55.

*Article 55 was adopted by 53 votes to none, with 13 abstentions.*

33. Mr. MAAS GEESTERANUS (Netherlands), explaining his vote, said that he had abstained from voting on article 55 as a whole because his delegation was not fully convinced that the Committee had taken the right decisions with regard to that article. What was more important, during the discussion on article 55, a number of delegations had questioned the wisdom of the Committee's procedure in discussing oral amendments and taking decisions thereon. His delegation could not accept that view. Time and again, the Committee had found itself discussing an article to which one or two written amendments had been submitted and the discussion had revealed divergences of views that could only be reconciled by means of oral amendments offered as a compromise in the process of debate. Clearly, it was essential to frame a convention on relations between States and international organizations which could attract maximum acceptance and the procedure of oral amendments was one of the means of arriving at a more widely acceptable text.

34. Mr. GÜNEY (Turkey), explaining his vote, said

that his delegation had voted against both the United Kingdom amendment (A/CONF.67/C.1/L.104) and the Netherlands oral amendment, and had voted in favour of the adoption of the International Law Commission's text as a whole, on the same grounds as had been put forward during the discussion by a number of Latin American delegations.

35. Mr. VON KESSEL (Federal Republic of Germany), explaining his vote, said that his delegation had abstained from voting on article 55 as a whole because that article, in its present form, would be hardly of any practical value. Had either of the proposed amendments been incorporated into the text, the article would have been acceptable to his delegation. The oral amendment, in particular, would have made for a very apt application of the functional principle to the future convention.

36. Mr. OSMAN (Egypt) explaining his vote, said that his delegation had voted in favour of the International Law Commission's text of article 55 and had voted against both amendments because it considered that the adoption of either one of them would have introduced an element of complication.

37. There was no force in the argument that delegations often came to the host State for a meeting lasting only a few days. On the contrary, that constituted a very strong argument in favour of the International Law Commission's text.

38. As to the language suggested in the Netherlands oral amendment, it would have made it necessary for the host State, after having obtained the necessary information from the organization, to send circulars to say which meetings or conferences benefited from exemption and which did not. It would clearly be seen that such a system entailed intolerable and unnecessary complications for all concerned.

*Article 56 (Inviolability of archives and documents)*  
(A/CONF.67/4)

39. The CHAIRMAN observed that no amendments had been submitted to article 56. If there were no comments, he would take it that the Committee agreed to adopt article 56 in the form in which it had been prepared by the ILC.

*It was so decided.*

*Article 57 (Freedom of movement)* (A/CONF.67/4,)

40. The CHAIRMAN observed that no amendments had been submitted to article 57. If there were no comments, he would take it that the Committee agreed to adopt article 57 in the form in which it had been prepared by the ILC.

*It was so decided.*

*Article 58 (Freedom of communication)* (A/CONF.67/4, A/CONF.67/C.1/L.84, L.85, L.89/Rev.1)

41. Mr. ZEMANEK (Austria), introducing his amendment to article 58 (A/CONF.67/C.1/L.84), said that the amendment, which related to paragraph 6, was also relevant to paragraph 7, dealing with couriers *ad hoc*, which referred back to paragraph 6.

42. In order to explain his amendment, he had to en-

ter into certain technical details of administration. The position was that, when a courier presented himself at a passport and customs control point, he produced an official document as evidence of his status. In order to enable the control officials to ascertain the validity of that document, it was the standard practice for all missions—both diplomatic missions and permanent missions to send to the competent authorities of the host State, for transmission to all customs and immigration control posts, samples of the signatures of all officials entitled to issue the document in question. Those specimens were deposited with the customs and immigration authorities and when a courier presented himself, it was possible for the inspecting official to judge whether the document he bore had been issued by a competent authority.

43. The purpose of his delegation's amendment (A/CONF.67/C.1/L.84) was to deal with the problem which arose where no mission—whether diplomatic or permanent—existed in the host State to issue the required document. The Austrian proposal was that, in such cases, the signature of the competent official of the sending State who had issued the courier's document should be authenticated by the organization, or by the secretariat of the conference, as the case might be. The signature of the competent official of the organization or of the conference secretariat could be deposited with the customs authorities of the host State.

44. The proposed system was based on the consideration that the organization concerned, or the conference secretariat, was the only authority that would be certain to know who were the persons accredited as couriers.

45. The only purpose of his delegation's amendment was to avoid the unpleasant difficulties which could arise both for the host State and for the delegation concerned if the customs and immigration authorities challenged the validity of a document submitted by the courier.

46. Mr. BIGAY (France) withdrew his delegation's amendment (A/CONF.67/C.1/L.85), which had been introduced in the belief that paragraph 3 of article 58 would have been sufficient to meet the communication needs of delegations. The discussion on article 27, however, had shown that difficulties would arise for delegations which did not have a diplomatic mission, a permanent mission or a permanent observer mission in the country where the conference or meeting was held.

47. For those reasons, and bearing also in mind the useful amendments to article 58 submitted by the United Kingdom delegation (A/CONF.67/C.1/L.89/Rev.1), his delegation had decided to withdraw its amendment (A/CONF.67/C.1/L.85).

48. He wished to draw attention, for the benefit of the Drafting Committee, to the need to rectify the French version of the opening words of paragraph 3 "Where practicable", which might read "*Lorsqu'il lui est possible de la faire*". The present words "*dans la pratique*" were vague and misleading.

49. Sir Vincent Evans (United Kingdom), introducing his delegation's amendment to article 58 (A/CONF.67/C.1/L.89/Rev.1), said, with regard to the first part of the amendment, that occasionally conferences or



meetings of organs of international organizations were held in places where a sending State had neither a diplomatic mission nor a permanent mission but did have a consular post. In such cases, the delegation could communicate with the sending State through the consular bag, which was provided for in article 35 of the 1963 Vienna Convention on Consular Relations.<sup>3</sup>

50. The second part of the United Kingdom amendment concerned paragraph 4 of the article and related to the procedure to be followed when the authorities of the host State had reason to believe that the delegation's bag was being misused. It would replace the present paragraph 4 by a text which was similar to that which had been proposed by Kuwait (A/CONF.67/C.1/L.54) as an amendment to article 27 on freedom of communication for permanent missions; that amendment had been adopted at the 18th meeting by 37 votes to 8, with 21 abstentions. It was unnecessary to repeat the arguments expressed at that meeting of the Committee by the delegations of Kuwait and other countries; he needed only to say that those arguments were equally valid in the context of article 58. He hoped that his delegation's proposal would receive the same support as the amendment by Kuwait to article 27.

51. Mr. MEISSNER (German Democratic Republic) said that article 58 was based on the premise that any restriction of freedom of communication could be a serious obstacle to the performance of the functions of a permanent mission or of a delegation.

52. The purpose of privileges and immunities was not to benefit individuals but to ensure the efficient performance of the functions of a mission or a delegation. On that premise, his delegation could not possibly accept the proposal, embodied in the United Kingdom amendment, that a mere belief on the part of the authorities of the host State would constitute a legal basis for taking measures that could seriously hinder the performance of the duties of representatives of States in their relations with international organizations. The proposed amendment would open the door to restrictive measures based on purely subjective considerations. It was significant that neither the 1961 Vienna Convention on Diplomatic Relations<sup>4</sup> nor the 1969 Convention on Special Missions contained any provision on the lines now proposed by the United Kingdom delegation.

<sup>3</sup> United Nations, *Treaty Series*, vol. 596, No. 8638, p. 261.

<sup>4</sup> *Ibid.*, vol. 500, No. 7310, p. 95.

53. For those reasons, he urged the Committee to reject the United Kingdom amendment.

54. Mr. DOREN (Israel) said that the system embodied in the Austrian amendment (A/CONF.67/C.1/L.84) would work out quite well in practice for the outgoing bag of a delegation but not for an incoming bag because the courier bringing it from the sending State would not be able to have in advance the authentication mentioned in the amendment. The proposed amendment would thus seem to be capable of creating difficulties and he would welcome some clarification on that point from its sponsor.

55. Mr. ESSY (Ivory Coast) said that the Austrian amendment, which was intended to deal with a practical problem, could be of assistance to countries which did not have a mission at the site of the conference or meeting. It was his feeling, however, that the matters dealt with in the Austrian amendment were more in the nature of practical measures to be taken by the authorities of the host State to facilitate the work of delegations. In the case of international meetings at Abidjan, for example, it was customary to provide delegations with forms issued by the Ministry of Foreign Affairs to enable them to send couriers at any time.

56. In view of those considerations and bearing in mind the fact that couriers were invariably sent in cases of urgency, he was inclined to feel that the Austrian proposal would introduce an element of complication and that the matter was perhaps best left to be settled in practice by means of arrangements made by the competent authorities of the host State.

57. Mr. RAOELINA (Madagascar) said that, apart from the complications to which the previous speaker had referred, the Austrian amendment had the drawback of conferring upon the officials of the organization or of a conference secretariat what amounted almost to supranational powers. Official documents issued by sovereign States would have to be countersigned by an official of the organization or secretariat concerned in order to take effect.

58. On those grounds of practice and of principle, his delegation would be unable to support the Austrian amendment.

59. As to the United Kingdom amendment (A/CONF.67/C.1/L.89/Rev.1) his delegation would welcome further clarification on the extent to which that amendment would be of assistance to States which had no mission at the place of meeting.

*The meeting rose at 1 p.m.*

## 28th meeting

Tuesday, 25 February 1975, at 3.15 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 58 (Freedom of communication) (concluded)*  
(A/CONF.67/C.1/L.84, L.89/Rev.1)

1. Mrs. SLÁMOVÁ (Czechoslovakia) said that article 58 proposed by the International Law Commission (ILC) (see A/CONF.67/4) was worthy of considerable attention. In the interest of adopting the right solu-