

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

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33rd meeting of the Committee of the Whole

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33rd meeting

Thursday, 27 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 61 (Immunity from jurisdiction) (concluded)
(A/CONF.67/4, A/CONF.67/C.1/L.69, L.95)

1. Mr. VON KESSEL (Federal Republic of Germany) observed that two tendencies had emerged during the discussion: on the one hand, the conventions in force were being compared with the view of adopting the regulation that offered the highest degree of protection for the sending State and, on the other, the criterion of functional need was being invoked. Some speakers often based their arguments on the fact that delegations were sent to the meetings of organs or conferences by sovereign States and should therefore enjoy special protection. The members of delegations would thus appear to be superior beings to whom a special status should be accorded. On the other hand, the sending States should keep in mind that they might soon be in the same situation as the host States and view things in a different manner. The host States wanted to apply the functional criterion, and he thought that the members of the Committee should try to understand their point of view. There was no point in granting extensive rights to delegations without functional needs. The proliferation of rights without serious requirement would rather lead to the disrespect of those rights and by no means guarantee the efficient functioning of the delegation. The amendment in document A/CONF.67/C.1/L.95, as modified by an oral subamendment by the Swiss delegation (32nd meeting), was acceptable, since, precisely, it met the requirements of the efficient functioning of delegations. With regard to the provisions of paragraph 5 of the amendment in document A/CONF.67/C.1/L.95 or of the International Law Commission's article 61, paragraph 1, subparagraph (d) (see A/CONF.67/4), he considered them entirely justified, for, as had been widely discussed under article 30, for example, it might happen that insurance companies tried to take advantage of the privileges of delegations. For that reason, the delegation of the Federal Republic of Germany was unable to support the amendment by Pakistan (A/CONF.67/C.1/L.69) aimed at deleting paragraph 1, subparagraph (d) of article 61, which would only aggravate the situation. The delegation of the Federal Republic of Germany would therefore vote for the amendment in document A/CONF.67/C.1/L.95 and against the amendment in document A/CONF.67/C.1/L.69.

2. Mr. MAAS GEESTERANUS (Netherlands) said that his delegation accepted the subamendment sub-

mitted orally by the Argentine delegation at the previous meeting, which proposed adding paragraph 1, subparagraph (d) of article 61 to the amendment in document A/CONF.67/C.1/L.95. In reply to questions put by the representatives of Peru and Greece at the previous meeting, he confirmed that, in the Netherlands delegation's view, the immunities provided for in part III of the draft convention should be similar to those provided for in the annex, and, with reference to articles 7 and 74 of the draft convention, he said that it was his delegation's opinion that a diplomatic agent retained his status in respect of immunities when he was a member of a delegation. The Netherlands delegation had discussed with the Venezuelan delegation the question of the wording of paragraph 5 of the amendment in document A/CONF.67/C.1/L.95, and it had been agreed that the matter could be settled by the Drafting Committee.

3. Mr. DO-HUU-LONG (Republic of Viet-Nam) asked the Netherlands representative whether, in the case provided for in paragraph 5 of the Netherlands amendment, a civil action should be brought against the insurance company or against the member of the delegation who was responsible for the accident.

4. Mr. MAAS GEESTERANUS (Netherlands), replying first of all to a question from the representative of France concerning the Argentine delegation's subamendment presented at the previous meeting, said that paragraph 1, subparagraph (d) of article 61 would be added at the end of paragraph 5 of the amendment or at any other place which the Drafting Committee might consider suitable. He then explained to the representative of the Republic of Viet-Nam that the victim of an accident caused by a vehicle used by the persons referred to in paragraph 1 of the amendment, should apply in the first instance to the insurance company to obtain the compensation due to him.

5. Mr. MUSEUX (France) mentioned that the Argentine delegation's subamendment to the Netherlands amendment gave rise to a drafting problem in French; the French delegation would prefer it if the phrase "where those damages are not recoverable from insurance" in the text of paragraph 1, subparagraph (d) of article 61, were replaced by "where those damages are not recovered from insurance". He suggested that the matter should be referred to the Drafting Committee.

6. After a procedural discussion in which Mr. HAQ (Pakistan), Mr. SHEDOV (Byelorussian Soviet Socialist Republic), Mr. WERSHOF (Canada), Mr. RICHARDS (Liberia), Mr. SANGARET (Ivory Coast) and Mr. ABDALLAH (Tunisia) took part, the CHAIRMAN read out rule 41 of the rules of procedure, by virtue of which the Netherlands amendment, being further removed in substance from the International Law Commission's text than the Pakistani amend-

ment, should be put to the vote first. He invited the Committee to vote first on paragraph 1 of the amendment in document A/CONF.67/C.1/L.95, as modified by an oral subamendment by Switzerland, and on which the delegations of the Ivory Coast and Liberia had requested a separate vote; then on paragraph 5, as modified by an oral subamendment by Argentina, and upon which the delegations of the Ivory Coast and Canada had requested a separate vote, and lastly on the amendment in document A/CONF.67/C.1/L.95 as a whole.

Paragraph 1 of the amendment in document A/CONF.67/C.1/L.95, as modified by the oral subamendment by Switzerland, was adopted by 29 votes to 23, with 15 abstentions.

Paragraph 5 of the amendment in document A/CONF.67/C.1/L.95, as modified by the oral subamendment by Argentina, was adopted by 33 votes to 21, with 14 abstentions.

The amendment in document A/CONF.67/C.1/L.95, providing for the replacement of article 61 by a new text, was adopted as a whole by 31 votes to 20, with 17 abstentions.

7. The CHAIRMAN said that the new article 61 would be referred to the Drafting Committee, as well as the question of substituting the word "driven" for the word "used" in paragraph 5 of the amendment.

8. Mr. CALLE Y CALLE (Peru) said he thought that the subamendments introduced by Switzerland and Argentina to the amendment in document A/CONF.67/C.1/L.95 were very useful. For that reason he had voted both for paragraphs 1 and 5 and for the text as a whole.

9. Mr. SYSSOEV (Union of Soviet Socialist Republics) said that the Soviet Union delegation had voted against the amendment in document A/CONF.67/C.1/L.95 because that amendment altered the meaning and the scope of the article established by the International Law Commission (ILC). The Soviet Union delegation had come to the Conference with the intention of supporting the International Law Commission's text, and it would maintain that position.

10. The CHAIRMAN stated that the Committee of the Whole was so far behind with its work that drastic measures were required. He therefore proposed, in accordance with rule 23 of the rules of procedure, that the time allowed to each speaker should be limited to three minutes, except in the case of the introduction of amendments when speakers would be allowed five minutes.

It was so decided.

Article 62 and article P of the annex (Waiver of Immunity) (A/CONF.67/4, A/CONF.67/C.1/L.91, L.98, L.136)

11. Mr. HIRAOKA (Japan), introducing his delegation's amendment to article 62 (A/CONF.67/C.1/L.91), said that that proposal was similar to the one which his delegation had already made in connexion with article 31 (A/CONF.67/C.1/L.60) and which had also been sponsored by Nigeria and the United Kingdom. The amendment to article 62 reproduced the first

sentence of that amendment to article 31 which had been adopted by a very large majority. Moreover, the question dealt with in article 62 was one of the least controversial in the draft convention; nevertheless, the provisions contained in paragraph 5 of the International Law Commission's text did not seem quite sufficient to prevent possible abuses. The Japanese delegation therefore thought that the Committee would have no difficulty in adopting the amendment.

12. Mr. HELYES (Hungary) said that the amendment to article P of the annex (A/CONF.67/C.1/L.98) of which his delegation was one of the sponsors, was justified because the Committee had decided at the 31st meeting, after having considered the amendment by the Ukrainian Soviet Socialist Republic to article M of the annex (A/CONF.67/C.1/L.92), to define clearly the status of the members of observer delegations.

13. Mr. AL-ADHAMI (Iraq) said that he was in favour of the Japanese amendment to article 62 (A/CONF.67/C.1/L.91), but he did not agree with regard to the place where it should be inserted; in his opinion, it should be in the preamble to the draft convention, as was the case in the Vienna Convention on Diplomatic Relations,¹ in the Vienna Convention on Consular Relations² and in the Convention on Special Missions.³ Similarly, the parallel amendment to article P (A/CONF.67/C.1/L.136) should be in the preamble to the draft. The Iraqi delegation was in favour of the amendment to article P of the annex submitted jointly by the group of socialist countries (A/CONF.67/C.1/L.98).

14. Mr. YAÑEZ-BARNUEVO (Spain) said that the Japanese proposal undoubtedly had merits, but the same idea had already been expressed in the sixth paragraph of the draft preamble proposed by the Romanian delegation (A/CONF.67/DC.23). In the view of the Spanish delegation, the Romanian proposal seemed better and the preamble to the draft convention would be a more suitable place for the idea than article 62.

15. He wished to draw the Committee's attention to a matter of drafting; it seemed to him that the words "renuncia" and "renonciation" used respectively in the Spanish and French versions of article 62, paragraph 4, did not correspond to the word "waiver" used in the English version, since it was not for the beneficiary, but for the authority to which he was responsible, to decide not to invoke immunity. To avoid giving the provision a vague and general scope, the words "suspensión" and "levée" might be used in the Spanish and French versions respectively. Moreover, that same observation was to be found in the comments of the United Nations Educational, Scientific and Cultural Organization concerning article 31 and article 62 of the draft convention (A/CONF.67/WP.6, p. 86).

16. Mr. CALLE Y CALLE (Peru) said that the principle from which the duty of the sending State to waive immunity derived—which principle was set forth in the Japanese amendments—had already been accepted

¹ United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

² *Ibid.*, vol. 596, No. 8638, p. 261.

³ General Assembly resolution 2530 (XXIV), annex.

by the Committee in article 31, and that the same idea was already embodied in section 14 of the 1946 Convention on the Privileges and Immunities of the United Nations.⁴ The sending State was, indeed, under a duty to waive immunity in cases where the immunity would impede the course of justice and it could be waived without prejudice to the purpose for which the immunity was accorded. A provision to that effect might be included in the preamble of the draft convention and also in article 62, since it already appeared in article 31. The Spanish representative had expressed doubts concerning the use of the word "*renuncia*" in paragraph 4 of article 62, but since that term was sanctioned by usage in connexion with immunity, he thought that the Drafting Committee should retain it.

17. His delegation would therefore vote in favour of the Japanese amendment to article P of the annex (A/CONF.67/C.1/L.136) and of the amendment submitted by the group of socialist countries to that same article (A/CONF.67/C.1/L.98).

18. Mr. SHEDOV (Byelorussian Soviet Socialist Republic) recalled that his delegation had already expressed its position on the text of the Japanese amendment (A/CONF.67/C.1/L.91) at the time of the Committee's consideration of article 31. In its view the idea of the exercise of the functions of representation of States should be introduced into articles 62 and P.

19. Mr. PREDA (Romania) said that the Japanese amendment to article 62 seemed to him to be well-advised, but that its place should be in the preamble of the convention, as was the case with the Vienna Convention on Diplomatic Relations and the Convention on Special Missions. On the previous day, moreover, his delegation had submitted a provision to the same effect in its proposal for the preamble of the convention (A/CONF.67/DC.23). Since the same provision could not be included in three places in the draft convention—namely, in the preamble, in article 31 and in article 62—his delegation proposed that the Japanese amendment to article 62 (A/CONF.67/C.1/L.91) should be referred to the Drafting Committee and that it should be examined during the consideration of the preamble of the draft convention.

20. His delegation would vote in favour of article 62 as it stood, and for the amendment in document A/CONF.67/C.1/L.98, of which it was one of the sponsors.

21. Mr. MARESCA (Italy) said that the idea according to which all privileges were accorded to the representatives of States in order to safeguard the exercise of their functions, and not for their personal benefit, was to be found in all the main conventions of international organizations, and that it was therefore a duty to waive immunity when the actual essence of those functions was not involved. It had been proposed that that principle should be embodied in the preamble of the future convention, but in his view it was absolutely necessary that an idea of such importance, while ap-

pearing in the preamble, should also be included in article 62 of the draft convention, as in the case of the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations and the 1969 Convention on Special Missions.

22. Mr. SMITH (United States of America) said that in the view of his delegation the Japanese amendment to article 62 contained in document A/CONF.67/C.1/L.91 was useful; it would, however, have preferred the more complete proposal made for article 31 (A/CONF.67/C.1/L.60), which stipulated that the sending State not only had the right but was "under a duty to waive the immunity of such persons in any case where in the opinion of the sending State such immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded". But, since the Committee had deemed it advisable to adopt only the first part of the amendment to article 31, his delegation considered that the Japanese proposed amendment to article 62 was acceptable.

23. The amendment to article P of the annex submitted by the group of socialist countries (A/CONF.67/C.1/L.98) had been introduced so briefly that his delegation was not sure whether it had rightly understood it. In the absence of precise definitions, very few delegations knew exactly who was referred to in the proposed paragraph and the Committee had decided (30th meeting) not to consider the Netherlands amendment to article 1 (A/CONF.67/C.1/L.138), the purport of which was the same. His delegation would therefore ask the sponsors of the amendment in document A/CONF.67/C.1/L.98 to explain why they proposed replacing the words "observer delegate" by the words "head of the observer delegation and of other delegates and members of the diplomatic staff of the delegation", which wording was not in keeping with the spirit of the annex prepared by the ILC.

24. Mr. ABDALLAH (Tunisia) said that delegations were fully aware of the fact that privileges and immunities were accorded to the representatives of States solely to enable them to perform their functions. Consequently, all the articles of the draft convention should be prefaced by the provision appearing in the Japanese amendment to article 62 (A/CONF.67/C.1/L.91), or else that provision should be inserted in the preamble.

25. His delegation thought that the seven-Power amendment to article P of the annex (A/CONF.67/C.1/L.98) usefully amplified the International Law Commission's text and it would vote in favour of it.

26. Mr. TAKEUCHI (Japan) said that the reason why he had not submitted his amendment to article P (A/CONF.67/C.1/L.136) at the same time as his amendment to article 62 (A/CONF.67/C.1/L.91) was that the term "observer delegation" had not yet been defined. However, in a desire to co-operate, he was ready to submit forthwith his amendment to article P, more especially as that amendment applied to observer delegations irrespective of how they might be defined. Some delegations had expressed doubts concerning the place of the Japanese amendment. In that connexion, he recalled that when the Committee had adopted the same amendment to article 31 (20th meeting), it had

⁴ General Assembly resolution 22 A (I).

left it to the Drafting Committee to decide where it should be inserted. The Committee should therefore proceed in the same manner in the case of articles 62 and P, as no one had questioned the principle of the Japanese amendment to those two articles. It would be illogical not to adopt for articles 62 and P the same amendment as for article 31. Although it was true that the principle set forth in that amendment applied to all the draft articles, it was nevertheless necessary to reaffirm it expressly in the context of the waiver of immunity. It was not enough to state that principle in the preamble. It should also be stated in articles 62 and P if part II of the draft was to agree with part III and the annex.

27. Mr. SYSSOEV (Union of Soviet Socialist Republics) said that, since the Committee had embarked on its consideration of the draft articles without having taken a decision on the definitions given in article 1, there was no reason why it should adopt a different approach when dealing with the annex. Referring to the question put by the United States representative concerning the formula used in the amendment in document A/CONF.67/C.1/L.98, he observed that the Committee had already adopted the same formula for article M. His own country often sent to organs and to conferences observer delegations comprising distinguished official personages, who should enjoy the same immunity as the members of diplomatic missions.

28. Mr. WERSHOF (Canada) said that his delegation supported the Japanese amendments to article 62 and article P (A/CONF.67/C.1/L.91 and L.136), just as it had supported the amendment in document A/CONF.67/C.1/L.60 to article 31. On the other hand, it was firmly opposed to the amendment in document A/CONF.67/C.1/L.98, for that amendment, which was one of a whole series of similar amendments to the articles of the annex, was aimed at placing the members of observer delegations on the same footing as the members of permanent missions and of the delegations to which the provisions of parts II and III of the draft applied.

29. Mr. EUSTATHIADES (Greece) said he was in favour of the Japanese amendment to article 62 (A/CONF.67/C.1/L.91), which reproduced an amendment already adopted by the Committee for article 31. In his opinion, however, that amendment should not be inserted after paragraph 4, as that paragraph dealt with the separate question of immunity in respect of the execution of the judgment, which was not connected with the protection of members of the delegation in the exercise of their functions. It should be placed at the beginning of the article, as the waiver of immunity was the consequence of the principle stated in the amendment.

30. He had no objection to the amendments to article P contained in documents A/CONF.67/C.1/L.98 and L.136, subject to the definition to be given of observer delegations. With that reservation, and consideration that those amendments were concerned solely with the waiver of immunity and not with the extent of privileges and immunities, he would vote exceptionally in

favour of the seven-Power amendment (A/CONF.67/C.1/L.98).

31. The CHAIRMAN said that, since no delegation had objected to the principle of the Japanese amendment to article 62 (A/CONF.67/C.1/L.91), subject to the reservation on where that amendment should be inserted, he would suggest that the Committee should adopt article 62 in the form prepared by the ILC, together with the Japanese amendment, and that it should refer them to the Drafting Committee, leaving the latter to decide where the Japanese amendment could suitably be inserted.

It was so decided.

32. The CHAIRMAN also suggested that the Committee should adopt the Japanese amendment to article P of the annex (A/CONF.67/C.1/L.136), it being understood that the Drafting Committee would consider the question where that amendment should be inserted.

It was so decided.

33. The CHAIRMAN put to the vote the seven-Power amendment (A/CONF.67/C.1/L.98) and article P of the annex.

The amendment was adopted by 39 votes to 7, with 17 abstentions.

Article P, as amended, was adopted by 46 to none, with 18 abstentions.

34. Mr. MOLINA LANDAETA (Venezuela) said he had abstained in the vote on article P, as he had doubts about the scope and meaning of the annex.

35. Mr. MAAS GEESTERANUS (Netherlands) said that he had also abstained in the vote on article P, because he did not yet know what would be the scope of the annex and because the new formula proposed in the amendment in document A/CONF.67/C.1/L.98 was liable to modify that scope.

Article 63 (Exemption from social security legislation) (A/CONF.67/4)

36. Mr. WERSHOF (Canada) said that if article 63 were put to the vote he would vote against it, as it seemed to him pointless and devoid of all realism.

37. Mr. MAAS GEESTERANUS (Netherlands) said that, on the contrary, he thought that article 63 might be useful in the case of a long conference or of an organ which held a long session, and he would vote in favour of that article.

38. The CHAIRMAN put to the vote article 63.

Article 63 was adopted by 55 votes to 1, with 6 abstentions.

39. Mr. HELLNERS (Sweden) said that he had abstained in the vote on article 63, not because he disapproved of the principle underlying it, but because he thought it unnecessary to state that principle in the draft convention.

40. Mr. MARESCA (Italy) said that he, too, had abstained in the vote, as he thought that the provisions set forth in article 63 were valid for permanent missions, but not for delegations to conferences of limited

duration. Moreover, in Italy, at any rate, the labour legislation provisions were rules of public law, which must apply without exception, and the fact of a person's being an alien could not be invoked in order to exempt him from the application of those rules.

Article 64 and article R of the annex (Exemption from dues and taxes) (A/CONF.67/4, A/CONF.67/C.1/L.90, L.100)

41. Mr. WADE (Canada) said that his delegation proposed by its amendment (A/CONF.67/C.1/L.90) to add the words "To the extent practicable" at the beginning of article 64, because it foresaw the serious administrative difficulties which host States, and organizations and conference secretariats, would encounter if they had to obtain for delegates to all types of conference, regardless of their nature, purpose or duration, all the exemptions from dues and taxes provided for in article 64. The resulting burden would be particularly heavy in the case of conferences lasting only a few days. The Brazilian representative had very rightly pointed out that delegates to short conferences rarely asked for tax exemption. Nevertheless, if article 64 were adopted as drafted, the host State would be obliged—with, if necessary, by virtue of article 53 the assistance of the organization—to arrange for tax exemption for all delegates to a conference, whether or not they requested the exemptions to which they were entitled, a fact which would certainly lead to complex administrative procedures, especially in cases where the conference was held in a town other than the seat of Government of the host State or where the exemptions to be granted were from dues and taxes levied by different levels of Government. It was obvious that exemptions from all categories of direct taxation could not be granted in a matter of hours. Thus, if article 64 were adopted unamended, and if the convention were to come into force, some countries, including Canada, would be physically unable to fulfil the obligations imposed by article 64 on host States in respect of delegations to conferences of short duration. It was for that reason that his delegation had submitted its amendment.

42. He recalled that the Indian oral subamendment presented at the 25th meeting to the new article proposed by the Swiss delegation (A/CONF.67/C.1/L.77), and the Netherlands oral subamendment presented at the 27th meeting to the United Kingdom amendment to article 55 (A/CONF.67/C.1/L.104) both recognized that the privileges and immunities extended to delegations to conferences must be determined by the nature and duration of the conference. From the debate to which the two subamendments had given rise it was clear that the great majority of members realized that there were practical problems involved in the extension of privileges and immunities to delegations to conferences, particularly conferences of short duration.

43. His delegation was of the opinion that its amendment would provide an equitable solution to the administrative problems inherent in article 64. His delegation favoured its solution over the general proposition made by one delegate to the effect that while the host State was in theory expected to apply the provisions of

the convention, it could not be criticized for failing to do so in cases where, for lack of time, it was unable to accord delegations all the exemptions provided for. He emphasized, in that connexion, that the Canadian amendment did not give the host State full discretion in the matter. It would, in fact, be the responsibility of the host State to accord delegates the maximum exemptions possible and, in those cases where full exemption from direct taxes could not be granted, it should make a case to the organization and the delegations to the conference that it could not in practice grant such exemptions.

44. He hoped that the Committee would adopt his delegation's amendment and he appealed to the representative of countries which had no form to direct taxation to understand the dilemma which certain countries would have to face should article 64 be adopted unamended.

45. Mr. HOFMANN (German Democratic Republic), introducing the amendment to article R of the annex (A/CONF.67/C.1/L.100), said that the sponsors had thought it would be useful if the distinction made in article 1 between "head of mission" and "members of the mission" and between "head of delegation" and "members of the delegation" were to apply also in the case of the observer delegation.

46. Mr. YAÑEZ-BARNUEVO (Spain) said that the Commission's text seemed broadly acceptable. In his opinion, however, account should be taken of the situation of certain countries like Canada which, because of the nature of their tax system, might have great difficulty and encounter serious administrative problems in granting delegations the exemptions provided for in article 64. The Canadian amendment (A/CONF.67/C.1/L.90) merely reproduced a perfectly justified reservation set forth in article 24 of the Convention on Special Missions. He therefore fully endorsed that amendment.

47. Mr. SYSSOEV (Union of Soviet Socialist Republics) pointed out that the restrictive phrase "To the extent practicable" concerning tax exemptions granted to delegations did not appear in the Headquarters Agreement concluded between Canada and the International Civil Aviation Organization (ICAO). Accordingly, if the Canadian amendment were adopted, ICAO's headquarters should be moved.

48. Mr. TAKEUCHI (Japan) fully supported the Canadian amendment (A/CONF.67/C.1/L.90). If a conference lasted only a few days and the host State had to reimburse all sorts of taxes and dues to delegates, it was possible that the competent services would not have computed the amounts to be refunded until after the persons concerned had left the territory of the host State. That would result in administrative complications and in the additional expenditure entailed in sending them the sums to which they were entitled. The Canadian amendment would not confer discretionary powers on the host State; the latter would have to accord exemption from dues and taxes, but only "to the extent practicable".

49. He proposed that article R of the annex should be similarly amended, namely, by adding the words

"To the extent practicable" at the beginning of the article.

50. Mr. EL-ERIAN (Expert Consultant), in reply to a question put by Mr. MOLINA LANDAETA (Venezuela), explained that an observer delegation could consist of one or more observer delegates and, if necessary include some administrative and technical staff. That was clear from article E of the annex. The Commission had realized that observer delegations were normally smaller than delegations proper but that they sometimes included a certain number of observer delegates.

51. Mr. MUSEUX (France) reminded members that when the Committee had examined at its 20th meeting article 33, which corresponded to the article under consideration, his delegation had submitted an amendment (A/CONF.67/C.1/L.65) to subparagraph (f) of that provision. The purpose of that amendment had been to exclude from exemption registration, court or record fees, mortgage dues and stamp duty not only with respect to immovable property, but also with respect to movable property as well. He had emphasized the practical difficulties the French tax services would encounter in according such exemptions, since they related to transactions of an entirely private and personal nature. He had pointed out, for example, that in France even diplomats were subject to dues levied at public auctions.

52. His delegation did not intend to submit a similar amendment to subparagraph (f) of article 64, but it requested a separate vote on the words "with respect to immovable property" which, in its opinion, could be deleted.

53. Mr. MARESCA (Italy) said that his Government had not encountered any difficulty in agreeing to the insertion, in the Vienna Convention on Diplomatic Relations, of a provision establishing the principle of exemption, with certain exceptions, from all dues and taxes. That provision had been justified since it related to diplomats posted to the same place for a fair length of time. As similar provisions had been introduced into other codification conventions, particularly the Convention on Special Missions, the Italian Government had felt some misgiving. Such a provision was not suited to the temporary character of special missions and the even more temporary character of delegations or observer delegations to conferences or organs. The Canadian amendment (A/CONF.67/C.1/L.90) had the merit of being realistic. In his view, that amendment should not be interpreted as being concerned only with the physical possibility of exempting the persons concerned from dues and taxes but also as taking into consideration the temporary character of the delegation. That temporary character was shown in the relevant provision of the Convention on Special Missions (article

24, paragraph 1) and it would be useful if the Drafting Committee could try to combine the Canadian amendment with the wording of that provision.

54. Mr. WADE (Canada) supported the Japanese delegation which had orally proposed to amend article R of the annex in the same way that his delegation proposed to amend article 64 (A/CONF.67/C.1/L.90).

55. Some delegations had pointed out that the relevant provision in the Headquarters Agreement between ICAO and Canada did not contain the phrase "to the extent practicable", which the Canadian delegation wished to insert in the article under consideration. The reason for that was that the scope of the aforesaid provision in the Headquarters Agreement was entirely different from the scope of article 64; it did not provide for exemption from all dues and taxes. In practice, however, State representatives to ICAO enjoyed the same tax exemptions as diplomats accredited to Canada. In addition, the Canadian Government accorded the greatest possible number of privileges to delegates attending ICAO meetings. As the future convention was to apply to all conferences, care should be taken now to insert in it a safeguard clause such as that proposed by his delegation in its amendment.

56. Mr. SYSSOEV (Union of Soviet Socialist Republics) said that, although he would not object to the French request for a separate vote, he failed to understand the reason for it. His delegation would, therefore, abstain in the vote on the words "with respect to immovable property".

57. The CHAIRMAN put to the vote article 64 and the amendment that had been submitted to it.

The Canadian amendment (A/CONF.67/C.1/L.90) was adopted by 30 votes to 20, with 15 abstentions.

By 23 votes to 13, with 25 abstentions, the words "with respect to immovable property" were maintained in paragraph (f) of article 64.

Article 64, as a whole, as amended, was adopted by 53 votes to none, with 12 abstentions.

58. The CHAIRMAN put to the vote the Japanese oral amendment to article R of the annex whereby the words "To the extent practicable" would be added at the beginning of the article. After that a vote would be taken on the seven-Power amendment and on article R as a whole.

The Japanese amendment was adopted by 26 votes to 19, with 16 abstentions.

The seven-Power amendment (A/CONF.67/C.1/L.100) was adopted by 37 votes to 5, with 22 abstentions.

Article R of the annex, as a whole, as amended, was adopted by 41 votes to none, with 24 abstentions.

The meeting rose at 5.45 p.m.