

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

Vienna, Austria
4 February - 14 March 1975

Document:-
A/CONF.67/C.1/SR.36

36th 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)

paragraph 1 of article F took account of the considerations which had motivated the proposal for a new article F *bis*.

67. The CHAIRMAN invited the Committee to vote on the Spanish oral subamendment, whereby a paragraph 2 corresponding to paragraph 2 of article 48 would be added to article F *bis* proposed by the 10 Powers (A/CONF.67/C.1/L.111). After that the Committee would vote on the new article.

The subamendment was adopted by 15 votes to 9, with 30 abstentions.

Article F bis, as amended, was adopted by 23 votes to 7, with 23 abstentions.

Article G of the annex (Precedence) (A/CONF.67/4)

Article G was adopted by 35 votes to 2, with 17 abstentions.

Statement by the representative of Egypt

68. Mr. OSMAN (Egypt) informed the Committee

that his delegation and almost a score of other delegations intended to submit a working paper containing an idea to which they attached great importance and which they would like to see reflected in the new convention. The exact content of that idea and the final form it was to take could be embodied in different formulae.

69. Being anxious not to delay the work of the Committee, but, on the contrary, wishing to facilitate it so far as possible, the delegations concerned had started consultations with other delegations in order to arrive at a solution acceptable to the Conference. He hoped that that constructive attitude would be met with the same spirit on the part of the other members of the Committee.

70. The Egyptian delegation therefore reserved the right to present that working paper at the appropriate time and to make a statement summing up the situation as it appeared at that time.

The meeting rose at 5.35 p.m.

36th meeting

Monday, 3 March 1975, at 10.50 a.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 H of the annex (General facilities) (A/CONF.67/4)

1. Mr. YÁNEZ-BARNUEVO (Spain) recalled that, during the discussion of other articles of the annex, his delegation had advocated complete parallelism of wording with the corresponding articles in part III, with the aim of facilitating at a later stage the merger of the two groups of articles into one. From his informal discussions with other delegations holding differing views on the draft articles, he had arrived at the conclusion that it would be extremely difficult to achieve that objective. Therefore his delegation, although it was convinced that the merger in question constituted the ideal solution, had decided not to press its amendments to a number of articles of the annex that had been introduced precisely with that aim in view.

2. His delegation would nevertheless support the Netherlands amendment (A/CONF.67/C.1/L.138) which would modify paragraphs 1 (9) and 1 (10) of article 1 (Use of terms) in such a way as to make all the provisions of part III applicable to observer delegations. He hoped that that amendment would be adopted and that it would thus be possible to do away with the articles of the annex altogether.

3. In the future, his delegation would abstain from voting on the articles of the annex because his delega-

tion did not believe in its usefulness as a separate series of provisions.

4. Mr. ZEMANEK (Austria) suggested that, in order to bring the terms of article H into line with those of article 51 as adopted by the Committee, two changes should be made in the first sentence. The first would introduce the word "all" before the words "the facilities required for the performance . . .". The second would replace the concluding word of the first sentence "task" by the same word in the plural: "tasks".

5. The CHAIRMAN said that those two points should perhaps be left to the Drafting Committee.

6. Mr. WERSHOF (Canada) said that the question was one of substance and should not be left to the Drafting Committee. His delegation firmly believed that the fact that a change had been made in respect of an article in part III was not a sufficient justification for automatically copying that change for the purposes of the corresponding article of the annex.

7. Mr. ZEMANEK (Austria) formally proposed that the first sentence of article H should be amended in the manner he had suggested in his earlier statement.

8. He would have understood the point raised by the Canadian representative if in relation to observer delegations a provision totally different from the corresponding one in part III had been put forward, on the ground that the functions of an observer delegation were totally different from those of a delegation covered by part III. As far as article H was concerned, however, the wording prepared by the International Law Commission (ILC) (see A/CONF.67/4) was almost identical with that of article 51, and the adoption

of his amendments was necessary in order to avoid difficulties of interpretation when the two articles were read together. Besides, he failed to see the difference in substance between "all facilities" and "the facilities", any more than he could see any material difference between "task" and "tasks" in the context.

9. Mr. AUST (United Kingdom) suggested that, in order to simplify matters, article H of the annex should be adopted and that the Committee should at the same time direct the Drafting Committee to bring the language of the article into line with that of article 51.

10. The CHAIRMAN put to the vote the Austrian oral amendment to insert the word "all" before the words "the facilities" and to replace the concluding word "task" by the plural "tasks" in the first sentence of article H. After that the Chairman would put to the vote the article.

The amendment was adopted by 45 votes to 3, with 10 abstentions.

Article H of the annex, as amended, was adopted by 42 votes to none, with 18 abstentions.

New article H bis (Premises and accommodation) (A/CONF.67/C.1/L.107)

11. Mrs. SLAMOVA (Czechoslovakia), speaking on behalf of all the sponsors, introduced the proposal for a new article H bis (A/CONF.67/C.1/L.107). The purpose of that new provision was to deal with the case where an observer delegation did not have a mission or consulate to assist it in the search for suitable premises and accommodation because the sending State did not have diplomatic or consular relations with the host State. In fact, the meeting or conference could be held on the territory of a host State which was not even recognized by the sending State.

12. The proposed new article would serve a useful purpose by making it clear that in such cases the host State, and the organization or conference secretariat, should give the observer the same help as they were called upon to give delegations under the provisions of part III. In practice, an observer might be more in need of such help than a delegate.

13. Miss BEKS (Netherlands) said that, without entering into the question of whether article H bis was necessary or not, she would suggest, if it were adopted, that it should be couched in the same terms as article 52 as adopted by the Committee.

14. She therefore proposed an amendment to reword the proposed new article H bis as follows: "If so requested, the host State and, where necessary, the Organization or the conference shall assist an observer delegation in obtaining on reasonable terms premises necessary for the observer delegation and suitable accommodation for the members of the observer delegation."

15. Mrs. SLAMOVA (Czechoslovakia), speaking on behalf of the sponsors of the joint proposal (A/CONF.67/C.1/L.107), accepted that rewording.

16. The CHAIRMAN put to the vote article H bis proposed by Czechoslovakia (A/CONF.67/C.1/L.107).

Article H bis, as revised, was adopted by 36 votes to none, with 20 abstentions.

Article I of the annex (Assistance in respect of privileges and immunities) (A/CONF.67/4, A/CONF.67/C.1/L.129)

17. Mr. ZEMANEK (Austria), introducing his amendment to article I of the annex (A/CONF.67/C.1/L.129) explained that its purpose was to bring the wording of article I into line with that which had been adopted by the Committee for the corresponding articles in parts II and III.

18. The CHAIRMAN put to the vote the Austrian amendment (A/CONF.67/C.1/L.129).

The amendment was adopted by 36 votes to none, with 22 abstentions.

19. The CHAIRMAN said that if he heard no objection he would take it that the Committee wished to adopt article I of the annex, as amended.

It was so decided.

Article J of the annex (Inviolability of archives and documents) (A/CONF.67/4)

20. The CHAIRMAN observed that no amendments had been submitted to article J of the annex and that the corresponding article 56 in part III had been adopted unchanged. He put to the vote the International Law Commission's text of article J.

The article was adopted by 38 votes to none, with 21 abstentions.

Article K of the annex (Freedom of movement) (A/CONF.67/4)

21. The CHAIRMAN observed that no amendments had been submitted to article K of the annex and that the corresponding article 57 in part III had been adopted unchanged except for the word "task" in the last line, which the Drafting Committee had altered to the plural "tasks". He suggested that that article K should be voted upon on the understanding that that last point would be left to the Drafting Committee.

The article was adopted on that understanding by 37 votes to none, with 21 abstentions.

Article L of the annex (Freedom of communication) (A/CONF.67/4, A/CONF.67/C.1/L.112, L.130)

22. Mr. STEPANOV (Ukrainian Soviet Socialist Republic), speaking on behalf of the sponsors, introduced the amendment to article L (A/CONF.67/C.1/L.112) and said that, although the text prepared by the ILC was acceptable as far as the substance of the matter was concerned, a provision should nevertheless be added to the effect that the bag of an observer delegation may be entrusted to the captain of a ship or of a commercial aircraft. Like other delegations, the observer delegation had to be able to communicate rapidly with its Government, but it could not always afford to have couriers. In that regard the joint amendment to article L was a helpful and sensible addition. The wording of the proposed new paragraph reproduced the text of article 58, paragraph 8, as adopted by the Committee.

23. Sir Vincent EVANS (United Kingdom), introducing his delegation's amendments to article L of the

annex (A/CONF.67/C.1/L.130), said that the first amendment was intended to make it clear that the observer delegation could use the means of communication available to the sending State's consular post, especially where that State had no other form of representation in the host State or at the place where the meeting or conference was held. He pointed out that the Committee had adopted a similar amendment to paragraph 3 of article 58.

24. His delegation's second amendment related to paragraph 4, which provided that the bag of the delegation should not be opened or detained. During the discussion of article 27, the Committee had adopted an amendment introduced by Kuwait (A/CONF.67/C.1/L.54) which was similar to the amendment his delegation was now proposing to paragraph 4 of article L. During the consideration of article 58, the Committee had decided for reasons which in his delegation's opinion were very unconvincing not to include a similar provision in paragraph 4 of that article, thus drawing a very unsatisfactory distinction between delegations and permanent missions. The reasons given by those who opposed the amendment to paragraph 4 of article 58 were even less valid in the case of paragraph 4 of article L of the annex, which dealt with observer delegations, and his delegation therefore hoped that the Committee would vote in favour of its amendment to that paragraph.

25. Mr. WERSHOF (Canada) said that his delegation supported the United Kingdom amendment to paragraph 4 of article L for the same reasons it had supported the Kuwait amendment to article 27 and the United Kingdom amendment to article 58.

26. Referring to the joint amendment in document A/CONF.67/C.1/L.112, he reiterated his delegation's opinion that the articles contained in the annex did not have to be identical to the articles contained in part III. He requested the Expert Consultant to confirm that the ILC had considered the matter in connexion with article 58 and article L of the annex and to explain why it had decided not to include a paragraph in article L.

27. Mr. EL-ERIAN (Expert Consultant), replying to the question raised by the representative of Canada, said that, in accordance with its view that the tasks of temporary observer delegations were much more limited than those of normal delegations, the ILC had decided that the provisions of the annex relating to observer delegations should be simplified. That explained why there was a difference between some of the articles of part III and the corresponding articles now contained in the annex and why the ILC had not included the paragraph which the sponsors of the joint amendment (A/CONF.67/C.1/L.112), were proposing to add to article L.

28. Mr. AVAKOV (Union of Soviet Socialist Republics), referring to the United Kingdom amendment to paragraph 4 of article L (A/CONF.67/C.1/L.130) said that, during its discussion of article 58, the Committee had made it clear that the functions of an observer delegation were similar to those of a normal delegation,

even in the case of a conference of short duration. Thus, there was no reason to open or detain the bag of an observer delegation or to restrict the principle of the absolute inviolability of the bag. His delegation therefore could not support the United Kingdom amendment to paragraph 4 of article L.

29. Mr. TAKEUCHI (Japan) noted that the last sentence of paragraph 1 of article 58 relating to the installation and use of a wireless transmitter by the delegation had been omitted from the text of paragraph 1 of article L. He therefore requested the Expert Consultant to confirm that that sentence had been omitted by the ILC in order to simplify the text of paragraph 1 and that the Commission had not intended to imply that observer delegations did not need the consent of the host State to install and use a wireless transmitter.

30. Mr. EL-ERIAN (Expert Consultant), replying to the question raised by the representative of Japan, said he felt that that sentence should have been included in the text of paragraph 1 of article L because, if the requirement for the consent of the host State applied to the mission and the delegation, it should, *a fortiori*, also apply to the observer delegation.

31. Mr. CALLE Y CALLE (Peru) said that his delegation would vote in favour of the amendment in document A/CONF.67/C.1/L.112, which was intended to add a new paragraph 7 to article L, and also in favour of the United Kingdom amendment to paragraph 3 (A/CONF.67/C.1/L.130). It could not, however, support the United Kingdom amendment to paragraph 4 for the reasons he had given during the discussion of article 58 (28th meeting).

32. Mr. STAEHELIN (Switzerland), referring to the comments made by the representative of Japan concerning the last sentence of paragraph 1 of article 58, proposed an oral amendment to add the same sentence to the end of paragraph 1 of article L.

33. Mr. SMITH (United States of America) said that his delegation would vote in favour of the very reasonable amendments to paragraphs 3 and 4 proposed by the United Kingdom for the reasons already explained during the discussions of articles 27 and 58 (18th and 28th meetings). In that connexion, he stressed that the United Kingdom amendment to paragraph 4 dealt with the very rare instance where the host State might consider that the bag of the observer delegation was being used improperly and it therefore did not introduce a restriction to the inviolability of the bag.

34. Mr. KUZNETSOV (Union of Soviet Socialist Republics) said that his delegation was convinced of the need to ensure respect for the principle of the absolute inviolability of the bag of the observer delegation, which could never be opened or detained by the authorities of the host State. It would therefore vote against the United Kingdom amendment to paragraph 4 of article L.

35. Sir Vincent EVANS (United Kingdom), referring to the second sentence of his delegation's amendment to paragraph 4, pointed out that the word "serious" should appear between the word "have" and the word "reason", in accordance with the wording in paragraph

3 of article 35 of the Vienna Convention on Consular Relations.¹

36. He noted that some delegations regarded it as a matter of principle that the absolute inviolability of the bag of the observer delegation should be respected. During the discussion of article 58, several delegations had, however, admitted that abuses did occur. His delegation's amendment to paragraph 4 was intended only to provide a reasonable procedure to safeguard the interests and security of the host State in cases where it had serious reason to believe that a bag contained articles other than those intended for the official use of the observer delegation.

37. Mr. SHEDOV (Byelorussian Soviet Socialist Republic) said that the results of the roll-call vote taken on the United Kingdom amendment to paragraph 2 of article 58 taken at the 28th meeting had shown that the Committee considered the bag of the delegation to be absolutely inviolable. The same principle should apply to the bag of the observer delegation as well. Pointing out that the United Kingdom amendment to article L completely undermined that principle, he requested that a separate roll-call vote should be taken on the United Kingdom amendment to paragraph 4 of article L.

38. Mr. HELLNERS (Sweden) said that his delegation supported the United Kingdom amendment to paragraph 4 because it did not think that the amendment introduced a restriction to the inviolability of the bag of the observer delegation. During the discussion of article 27, the Committee had adopted an amendment proposed by Kuwait. The United Kingdom amendment to paragraph 4 of article L was similar, and his delegation therefore considered that the Committee should adopt provisions for observer delegations similar to the provisions it had adopted for permanent missions.

39. As a result of the submission of very elaborate amendments to the articles contained in the annex, the situation with regard to the status of the observer delegation was becoming blurred and attempts were being made to provide for some rare and extreme cases. Many delegations considered that the articles contained in the annex should be identical to the corresponding articles contained in part III of the proposed convention in order to prevent conclusions *a contrario* from being drawn. His delegation was, however, in a very difficult situation because a definition of the "observer delegation" had never been adopted. It had therefore abstained from voting on the articles contained in the annex and would continue to do so until a definition was adopted.

40. Mr. PINEDA (Venezuela) said that, for reasons of principle, his delegation would vote in favour of the joint amendment in document A/CONF.67/C.1/L.112. It could also support the amendment to paragraph 3 proposed by the United Kingdom, but, for the reasons given during the discussion of article 58 (28th meeting), it would vote against the United Kingdom amendment

to paragraph 4 (A/CONF.67/C.1/L.130). Moreover, it supported the proposal by the representative of the Byelorussian Soviet Socialist Republic for a separate roll-call vote on paragraph 4 of the United Kingdom amendment.

41. The CHAIRMAN put to the vote the Swiss representative's oral amendment—to add to paragraph 1 of article L the last sentence of paragraph 1 of article 58—and the United Kingdom amendment to paragraph 3 (A/CONF.67/C.1/L.130).

The Swiss oral amendment was adopted by 58 votes to none, with 6 abstentions.

The United Kingdom amendment to paragraph 3 was adopted by 48 votes to 8, with 5 abstentions.

42. The CHAIRMAN put to the vote the United Kingdom amendment to paragraph 4 (A/CONF.67/C.1/L.130).

At the request of the representative of the Byelorussian Soviet Socialist Republic, a vote was taken by roll-call.

Italy, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Italy, Khmer Republic, Kuwait, Liberia, Malaysia, Netherlands, Nigeria, Norway, Republic of Korea, Republic of Viet-Nam, Sweden, Switzerland, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Austria, Belgium, Canada, Denmark, France, Germany (Federal Republic of), Greece, Ireland, Israel.

Against: Libyan Arab Republic, Mexico, Mongolia, Pakistan, Peru, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Colombia, Cuba, Czechoslovakia, Democratic People's Republic of Korea, El Salvador, German Democratic Republic, Guatemala, Hungary, Iraq.

Abstentions: Ivory Coast, Japan, Lebanon, Madagascar, Philippines, Qatar, Spain, United Republic of Cameroon, Zaire, Egypt, Finland, Holy See, India, Indonesia.

The amendment was adopted by 26 votes to 25, with 14 abstentions.

43. The CHAIRMAN put to the vote the amendment of Bulgaria and nine other Powers (A/CONF.67/C.1/L.112) and article L as a whole.

The joint amendment was adopted by 42 votes to none, with 23 abstentions.

Article L, as a whole, as amended, was adopted by 24 votes to 12, with 28 abstentions.

44. Mr. ZEMANEK (Austria), speaking in explanation of vote, said that he had abstained from the vote on the article as a whole because, as he had stated with regard to article 58 (28th meeting), his Government stressed the need for authentication by the authorities of the host State of identity documents carried by a courier.

45. Mr. PHOBA DI M'PANZU (Zaire) said that he had abstained from the vote on the article as a whole,

¹ United Nations, *Treaty Series*, vol. 596, No. 8638, p. 261.

because paragraph 4 (b) of the United Kingdom amendment (A/CONF.67/C.1/L.130) did not state who was to be responsible for returning the bag to the place of origin. That omission might involve the risk of the authorities of the host State opening the bag before returning it. He could have supported the amendment if the proposed paragraph 4 (b) had contained a phrase to the effect that the bag would be returned by the delegation concerned.

46. Mr. SOGBETUN (Nigeria) stated that he had voted in favour of the amendments in documents A/CONF.67/C.1/L.112 and L.130 and in favour of the article as a whole.

47. Mr. RITTER (Switzerland) said that he had voted in favour of the United Kingdom amendment to paragraph 4 (A/CONF.67/C.1/L.130) because he supported the principle in question, which in his view should apply to permanent missions, delegations and observer delegations without discrimination.

48. Mr. ATAYIGA (Libyan Arab Republic) said that he had voted for the amendment in document A/CONF.67/C.1/L.112, which reflected current practice. He had also voted in favour of the amendment to paragraph 3 in document A/CONF.67/C.1/L.130, which clarified the International Law Commission's text. He had voted against the amendment to paragraph 4 in the same document, keeping with the attitude his delegation had adopted on articles 27 and 58. He had abstained from the vote on the article as a whole, because he considered that the adoption of the amendment to paragraph 4 introduced an inherent contradiction into the text.

49. Mr. ESSY (Ivory Coast) said that he had abstained from the vote on the amendment to paragraph 4 (A/CONF.67/C.1/L.130), because he considered that the problem it raised should be solved on the basis of good faith. No legal formulation, however admirable, could meet the difficulty of ensuring freedom of communication in diplomatic relations, if States did not implement the rules in good faith.

50. Mr. KUZNETSOV (Union of Soviet Socialist Republics) said that he had voted against the article as a whole because the adoption of the United Kingdom amendment to paragraph 4 undermined the principle that the inviolability of the bag must be respected absolutely.

51. Mr. PINEDA (Venezuela) said that he would have preferred to have continued his practice of abstaining from the vote on the articles of the annex. He had, however, felt obliged to vote against article L as amended because it infringed a principle of international law which his delegation upheld, namely the inviolability of the diplomatic bag.

52. Mr. CALLE Y CALLE (Peru) said that he had abstained from the vote on the article as a whole because of the adoption of the United Kingdom amendment to paragraph 4, which he had voted against. In his view, it was no longer an article on freedom of communication, since the guarantee of the inviolability of the bag, which according to international law should

be absolute, had been limited in the case of observer missions.

Article N of the annex (Inviolability of accommodation and property) (A/CONF.67/4, A/CONF.67/C.1/L.93, L.135)

53. Mr. AVAKOV (Union of Soviet Socialist Republics), introducing the five-Power amendments in A/CONF.67/C.1/L.93, said with reference to paragraph 1 of article N of the annex, that it included the words "other delegates and members of the diplomatic staff" since observer delegations often incorporated members of permanent diplomatic missions. The concluding part of the amendment to paragraph 1 took account of the oral subamendment proposed by the representative of Mali at the 26th meeting to the similar amendment to article 54 (A/CONF.67/C.1/L.80 and Corr.1). He would not repeat the arguments he had already put forward at the 15th and 26th meetings in connexion with articles 23 and 54 on the subject of a provision against fire or other disaster, except to state that legal provisions should not be based on the rare and exceptional occurrence. In any event, both articles 23 and 54 now provided for cases of *force majeure* and it was hardly necessary to do so for a third time.

54. In the light of the discussion which had taken place on article 60, he withdrew the proposal to add a subparagraph to paragraph 2. He would, however, maintain the other amendments proposed to paragraph 2.

55. Mr. WERSHOF (Canada), introducing his amendment in A/CONF.67/C.1/L.135, pointed out that identical amendments to articles 23 and 54 had already been accepted by the Committee after extensive discussion. He would not therefore repeat the arguments adduced earlier, but he reserved the right to speak further on the substance of the amendment if necessary. If it was decided to vote first on the amendment to paragraph 1 in A/CONF.67/C.1/L.93, which sought to delete the third sentence of the present paragraph 1 of article N, he wished his amendment to be regarded as a subamendment, adding the sentence proposed, to the text of paragraph 1 in A/CONF.67/C.1/L.93.

56. Mr. TAKEUCHI (Japan) proposed, as an oral amendment, that paragraph 2 of article N should be reformulated so that the text was identical with the amendment of Thailand, United Kingdom and Japan (A/CONF.67/C.1/L.88) which had been adopted for the corresponding paragraph of article 54. The reasons for such an amendment had already been explained in connexion with that article (26th meeting).

57. Mr. PAK (Democratic People's Republic of Korea) said that he was opposed to the Canadian amendment (A/CONF.67/C.1/L.135) and would support the five-Power amendment (A/CONF.67/C.1/L.93).

58. Mr. SHELDON (Byelorussian Soviet Socialist Republic) objected to treating the Canadian amendment (A/CONF.67/C.1/L.135) as a subamendment to the amendment of which he was one of the sponsors (A/CONF.67/C.1/L.93). The intention of the latter

amendment which was sponsored by a number of delegations, was to delete the third sentence of paragraph 1, whereas the Canadian subamendment sought to restore that sentence in a different form.

59. The CHAIRMAN said that, in view of the procedural difficulty which had arisen, he would postpone the voting on the article to the next meeting.

The meeting rose at 1 p.m.

37th meeting

Monday, 3 March 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 N of the annex (Inviolability of accommodation and property) (concluded) (A/CONF.67/4, A/CONF.67/C.1/L.93, L.135)

1. The CHAIRMAN recalled that Canada had decided to submit its amendment to paragraph 1 of article N of the annex (A/CONF.67/C.1/L.135) in the form of a subamendment to the five-Power amendment to paragraph 1 of article N (A/CONF.67/C.1/L.93).
2. Mr. SHELDON (Byelorussian Soviet Socialist Republic) pointed out that the purpose of a subamendment to an amendment was always to clarify or supplement the text of the amendment, whereas the Canadian proposal (A/CONF.67/C.1/L.135) ran counter to the five-Power amendment (A/CONF.67/C.1/L.93). The Canadian representative wished his proposal to be put to the vote first because, if the socialist countries' proposal were adopted, the Canadian amendment would be automatically ruled out. For his part, he did not think that the Canadian amendment could be considered as a subamendment to the five-Power amendment, as the two texts were mutually exclusive.
3. Mr. KHASHBAT (Mongolia) said he thought that the Canadian amendment should be put to the vote as an amendment to article N and not as a subamendment to the five-Power amendment (A/CONF.67/C.1/L.93).
4. Mr. TODOROV (Bulgaria) said that he, too, considered that the Canadian amendment (A/CONF.67/C.1/L.135) could not be considered as a subamendment to the five-Power amendment (A/CONF.67/C.1/L.93). Both documents were separate amendments to the text of article N. Rule 41 of the rules of procedure should therefore be applied and a vote should first be taken on the amendment that was the further removed in substance from the basic proposal. The five-Power amendment, as the further removed, should be voted on first.
5. Mr. WERSHOF (Canada) said that his delegation's amendment to paragraph 1 of article N in no way conflicted with the five-Power amendment, as some delegations claimed. The first two sentences of article 31 of the Vienna Convention on Consular Relations¹ cor-

responded exactly to the first two sentences of the text proposed by the five Powers, while the third sentence of that article corresponded to the text proposed by Canada. Since there was no contradiction between the third sentence and the first two sentences of article 31 of the Vienna Convention on Consular Relations, it followed that there could be no contradiction between the proposed Canadian text and the proposed five-Power text.

6. Mr. KUZNETSOV (Union of Soviet Socialist Republics) requested that the Canadian amendment (A/CONF.67/C.1/L.135) and the five-Power amendment (A/CONF.67/C.1/L.93) should be put to the vote separately.

7. Mr. SHELDON (Byelorussian Soviet Socialist Republic) pointed out that the five-Power amendment was the one further removed from the original text of paragraph 1 of article N, since it amounted to deleting the third sentence of that paragraph, whereas the Canadian amendment was confined to modifying its wording. The five-Power amendment should therefore be put to the vote first.

8. The CHAIRMAN observed that since the Canadian amendment (A/CONF.67/C.1/L.135) had been submitted as a subamendment to the five-Power amendment (A/CONF.67/C.1/L.93), it should be put to the vote first. After that the Committee would vote on the five-Power amendment and the Japanese amendment.

The Canadian subamendment was adopted by 32 votes to 22, with 11 abstentions.

The five-Power amendment to paragraph 1 of article N was adopted by 40 votes to none, with 22 abstentions.

The five-Power amendment to paragraph 1 of article N, as amended, was adopted by 32 votes to 14, with 18 abstentions.

The Japanese oral amendment to paragraph 2 of article N was adopted by 30 votes to 15, with 15 abstentions.

9. The CHAIRMAN suggested that it be left to the Drafting Committee to consider whether, throughout the article, the word "logement" in the French text should be in the plural, and to introduce, in the third sentence of paragraph 1, the changes entailed by the wording of the first two sentences.

It was so decided.

10. The CHAIRMAN put to the vote the five-Power amendments to paragraphs 3 and 4 of article N (A/CONF.67/C.1/L.93) and article N as a whole.

¹ United Nations, *Treaty Series*, vol. 596, No. 8638, p. 261.