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37th meeting of the Committee of the Whole

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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. SHELDOV (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 Relations [1] corresponded 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. SHELDOV (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.

The amendments were adopted by 37 votes to 1, with 26 abstentions.

Article N as a whole, as amended, was adopted by 23 votes to 12, with 31 abstentions.

11. Mr. SHELDOV (Byelorussian Soviet Socialist Republic) said that he had voted against the amendment in document A/CONF.67/C.1/L.135 and against article N, for the reasons he had already stated. His delegation reserved its position on the method of converting into subamendments documents originally submitted as amendments to the International Law Commission's text.

12. Mr. SANGARET (Ivory Coast) explained that he had abstained in the vote on the amendment in document A/CONF.67/C.1/L.135, but had voted in favour of the amendment in document A/CONF.67/C.1/L.93, because those two texts expressed contrary ideas.

13. Mr. TANKOUA (United Republic of Cameroon) said that the reason why he had voted against the amendment in document A/CONF.67/C.1/L.135 was twofold: on the one hand, he could not agree that an amendment submitted in due form should be transformed into a subamendment of a rival text, despite the opposition of its sponsors; on the other, he preferred the paragraph 1 proposed in document A/CONF.67/C.1/L.93 to the one proposed in document A/CONF.67/C.1/L.135. Consequently, he had abstained in the vote on the amended paragraph 1, although he had voted for that part of the paragraph which appeared in document A/CONF.67/C.1/L.93. His delegation had also abstained in the vote on the Japanese oral amendment, as it considered that the protection of delegations should not be subject to conditions. Consequently, it had also abstained in the vote on article N as a whole.

Article O of the annex (Immunity from jurisdiction) (A/CONF.67/4, A/CONF.67/C.1/L.97)

14. The CHAIRMAN noted that the amendment in document A/CONF.67/C.1/L.97 proposed to introduce into the article under consideration changes which the Committee had already decided to make in other provisions of the draft articles. Accordingly, there was no need to submit that document.

15. Sir Vincent EVANS (United Kingdom) proposed that article O should be supplemented by a sixth paragraph modelled on paragraph 5 of article 61, as adopted at the 33rd meeting and worded as follows:

> "6. Nothing in this article shall exempt the head of an observer delegation or any other delegate or member of the diplomatic staff of the delegation from the jurisdiction of the host State in relation to an action for damages arising from an accident caused by a vehicle, vessel or aircraft owned or used by him, where those damages are not recoverable from insurance."

16. If the amendment in document A/CONF.67/C.1/L.97 concerning paragraphs 1 to 5 of the article under consideration were adopted, the proposed paragraph 6 would have to be amended accordingly.

17. Mr. ZEMANEK (Austria) proposed that paragraph 3 of article O should also be brought into line with paragraph 2 of article 61. As it stood, paragraph 3 of article O conferred on observer delegates an immunity from jurisdiction which was wider than that which paragraph 2 of article 61 conferred on delegations. It would therefore be advisable to amend paragraph 3 of article O to read: "No measures of execution may be taken in respect of such persons unless they can be taken without infringing their rights under articles M and N."

18. Mr. HAQ (Pakistan) said that the Austrian oral amendment would have the effect of modifying appreciably the article under consideration. He therefore suggested that the debate be adjourned until the following day, which would give delegations time to study that amendment and enable the secretariat to circulate it in written form.

19. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adjourn the debate on article O until the following day.

It was so decided.

Article Q of the annex (Exemption from social security legislation) (A/CONF.67/4, A/CONF.67/C.1/L.99)

20. The CHAIRMAN said that the amendment in document A/CONF.67/C.1/L.99 was similar to other amendments already adopted by the Committee and therefore did not need to be introduced orally by its sponsors.

The amendment was adopted by 39 votes to 2, with 26 abstentions.

Article Q, as amended, was adopted by 42 votes to none, with 22 abstentions.

Article U of the annex (Privileges and immunities of other persons) (*concluded*)* (A/CONF.67/4, A/CONF.67/C.1/L.114)

21. The CHAIRMAN recalled that at its 35th meeting the Committee of the Whole had agreed to adjourn the debate on article U until the other articles of the annex mentioned in that provision had been studied. As each of those articles had now been adopted, apart from article O, consideration of which had been deferred until the following day but the content of which was easily foreseeable, it would be advisable for the Committee to continue its consideration of article U.

22. In an oral amendment, the Spanish delegation had proposed (34th meeting), on the one hand, that article R should be included among the articles mentioned in paragraph 2 of article U and, on the other, that after they had undergone the necessary drafting changes, paragraphs 3 and 4 of article 67 should be added at the end of article U. In addition, the Swiss delegation had proposed orally (35th meeting) that paragraph 2 of the article under consideration should be redrafted along the lines of paragraph 2 of article 67, as adopted by the Committee.

23. Mr. YÁÑEZ-BARNUEVO (Spain), referring to the position adopted by his delegation at the previous meeting in connexion with the annex as a whole, said

* Resumed from the 35th meeting.

that its oral amendments to the article under consideration should be regarded as withdrawn.

24. Mr. AUST (United Kingdom) proposed that paragraphs 1 and 2 of article U should be brought into line with paragraphs 1 and 2 of article 67, with the necessary drafting changes. For instance, the word "delegation" would be replaced by "observer delegation", and the reference to certain articles in part III of the draft would be replaced by a reference to the corresponding articles of the annex. The question raised at the 35th meeting by the Austrian representative with regard to article 67 would similarly arise in connexion with article U: under paragraph 1 of that provision when brought into line with article 67 the family of members of the administrative and technical staff would enjoy more privileges and immunities than the members themselves. The solution that would no doubt be found by the Drafting Committee in respect of article 67 would therefore also be valid in respect of article U.

25. The CHAIRMAN put to the vote article U as orally amended.

Article U, as orally amended, was adopted by 28 votes to 8, with 25 abstentions.

Article 72 (Nationality of the members of the mission or the delegation) (A/CONF.67/4, A/CONF.67/C.1/L.131 and L.137)

26. Mr. YÁÑEZ-BARNUEVO (Spain), introducing the amendment in document A/CONF.67/C.1/L.131 providing for the deletion of the second sentence of article 72, said that that sentence was drawn from paragraph 2 of article 8 of the Vienna Convention on Diplomatic Relations [2] and from paragraph 2 of article 10 of the Convention on Special Missions,[3] but that in fact the situation in multilateral diplomacy was not quite the same as in bilateral diplomacy. As the United Nations Educational, Scientific and Cultural Organization (UNESCO) observer had pointed out in his comments on that article (A/CONF.67/WP.6, p. 118), the provision that the persons referred to in the first sentence of article 72 might not be appointed from among persons having the nationality of the host State, except with the consent of that State, which might be withdrawn at any time, seemed much too restrictive, and he shared the view of UNESCO that: "The only restriction with regard to nationals of the host State that seems to be justified is that concerning privileges and immunities . . .; those restrictions are explicitly laid down in articles 36 and 37, and it would be advisable to leave it at that." Moreover, although Spain had always been represented in its relations with international organizations by persons of Spanish nationality, it wished to provide for the case where it would wish to count on the assistance of nationals of the host State at meetings of organs or conferences of a technical character.

27. Monsignor ROVIDA (Holy See), introducing on behalf of Guatemala, the Holy See and Switzerland the amendment in document A/CONF.67/C.1/L.137, said that his delegation attached great importance to article 72, both from the point of view of the practice that had grown up over the years in multilateral diplomacy and from the legal standpoint, having regard to the development of international co-operation. In the opinion of the sponsors of the amendment, article 72 did not entirely fit in with the rest of the draft convention; as UNESCO had pointed out in its comments, two categories were merged in article 72 since it applied both to permanent missions and to delegations to organs and to conferences. That merger was due to the fact that article 72 was modelled on provisions of the Vienna Convention on Diplomatic Relations and the Convention on Special Missions. His delegation did not deny that those provisions had their merit, but it recalled that the conventions in question applied to bilateral diplomacy, which in the past had attached the utmost importance to the idea that diplomatic agents who were "*régnicoles*" (subjects of the State to which they were accredited) should be received only in exceptional cases, an idea based on the notion of the patrimonial State. While that idea was open to question in our times, it should be recognized that a State could have something to say if one of its nationals acted as a foreign agent vis-à-vis his own Government. It would seem logical, in such a case, to request the consent of the host State, particularly if that consent could not be withdrawn unless the host State had good grounds for so doing.

28. His delegation was, moreover, of the opinion that article 72 did not faithfully reflect the principle of international co-operation, and it wished to emphasize that co-operation could not be impeded without legitimate reasons. In order to co-operate, States must be able to draw on human resources wherever those were to be found, more especially for dealing with technical questions. Accordingly, his delegation supported, but with serious reservations, the provision under which the members of the mission and of the delegation should in principle be of the nationality of the sending State. It was convinced that the host State should not prevent one of its own nationals from co-operating with a mission or a delegation of another State, and it considered that the amendment submitted by the Spanish delegation was logical. It was thus in a spirit of compromise that it had drawn up, in co-operation with the delegations of Guatemala and Switzerland, the amendment in document A/CONF.67/C.1/L.137, which enabled the host State to make investigations regarding the person in question and allowed it to withdraw its consent if it had serious objection.

29. In the case of a permanent mission, the obtaining of prior consent from the host State did not in practice entail serious difficulties; in the case of a delegation to a conference or to an organ, however, that requirement was contrary to existing custom and could not be applied in practice. In that connexion, he drew the attention of the members of the Committee to the case of States which did not possess adequate resources or sufficient qualified experts to enable them to take part in such highly specialized conferences as, for instance, those organized by UNESCO on satellites, hydrology, copyright and so forth, and he remarked that States in that situation fairly often appointed a national of the

[2] *Ibid.*, vol. 500, No. 7310, p. 95.

[3] General Assembly resolution 2530 (XXIV), annex.

host State to represent them at conferences which rarely lasted for more than a week. What would happen in such a case if the sending State had to await the consent of the host State? The conference in question would have finished its work before the consent of the host State had reached the sending State—not because of any lack of good faith on the part of the authorities of the host State or the sending State, but because of the administrative procedures involved. In its draft convention, the ILC had sought to codify existing practice, and quite rightly so, since a convention of that kind should not create new legal norms when the rules in force were entirely satisfactory. But in the case of article 72 there was no doubt that the draft articles departed from existing practice. Even if such a rule existed in municipal law, it could not be made a rule of international law and still less could it be incorporated in an international legal instrument.

30. Recognizing that it might be in the interest of the host State to know that one of its nationals was a member of the delegation of another State, the sponsors of the amendment had provided that the name of the national in question would be notified by the sending State to the authorities of the host State; the host State would thus be able to object if it thought it necessary; but experience had shown that no abuse had been committed in that regard and that no difficulty had ever been caused by the fact that a national of the host State had worked for the delegation of another State. On the contrary, the prestige of the host State was thereby enhanced.

31. In the opinion of his delegation, the amendment enabled the sending State to co-operate with the other States and safeguarded the interests of the host State. Throughout the Conference his delegation had supported the principle of the progressive development of international law, and it wished in the present instance to appeal to the members of the Committee to support the amendment of which it was one of the sponsors and which constituted an acceptable compromise between existing custom and the approach adopted in article 72.

32. Mr. MARESCA (Italy) stressed that in the matter under consideration account should be taken of two types of requirements: first, the fact that every sovereign State had the right to know that one of its nationals was engaged in tasks other than those which he would normally perform owing to his nationality, and, secondly, the need to facilitate co-operation between States. His delegation recognized that the amendment in document A/CONF.67/C.1/L.137 reflected a spirit of moderation and consideration and that it reaffirmed the principle of presumption. In that connexion, he pointed out that diplomatic law offered many examples of presumption and that it was entirely logical to provide that the consent of the host State would be presumed if it had raised no objection. For the foregoing reasons, his delegation would vote in favour of that amendment.

33. Mr. ABDALLAH (Tunisia) asked the Expert Consultant to explain the reasons for which the ILC had included in the draft convention a provision on the nationality of the members of the mission or the delegation. Observing that the employment by the sending State of a national of the host State gave rise to many problems, especially from the administrative point of view, he also asked the Expert Consultant to confirm whether an international practice in the matter did in fact exist.

34. Mr. EL-ERIAN (Expert Consultant) said that, for the reasons explained by the representatives of Spain and the Holy See, the ILC had been aware of the need to provide a flexible rule in the matter of nationality so as to enable the sending State to avail itself of the qualifications of anyone, whether a national of a third State or of the host State.

35. The ILC had taken the view that no restriction should be imposed on the appointment of a national of a third State as a member of a delegation, but differences of opinion had arisen in the case of persons who were nationals of the host State. A minority of the members of the Commission, including the Special Rapporteur, had thought that in that case, likewise, no restriction should be imposed since the interests of the host State were safeguarded by the provisions relating to privileges and immunities. Originally, therefore, the Special Rapporteur had envisaged no article on the question, and he read out a note contained in the Fifth Report of the Special Rapporteur [4] concerning the discussions which had taken place on the subject. The Special Rapporteur had considered it extremely desirable that the sending State should have the greatest possible freedom in the choice of the members of its delegations to organs and to conferences. He had also observed in the note that organs and conferences met temporarily and for short periods; consequently, the question whether the consent of the host State was necessary for the appointment of one of its nationals as a member of the delegation of another State did not arise in the same way as in the case of permanent missions.

36. He said that, having adopted a different position and considering that there was indeed an existing practice in the matter, the ILC had deemed it appropriate to include a provision on the question and had drafted it in the terms found in article 72.

37. Mr. EUSTATHIADES (Greece) said that it was on account of the requirements of international co-operation and the multiplicity of the tasks of the international organizations that provision should be made to enable the sending State to choose members of the mission who might be nationals of another State. That was a question that could arise in concrete terms when the choice of the sending State fell, for example, on persons who were nationals of the host State. The Greek delegation wished to point out that the text prepared by the ILC for article 72 and the amendment to that article proposed by Guatemala, Holy See and Switzerland (A/CONF.67/C.1/L.137) both provided that the host State could withdraw its consent, whether the consent was express, as provided by the Commission, or whether it was presumed, as provided in the amendment in question. The Greek delegation thought

[4] See *Yearbook of the International Law Commission, 1970*, vol. II, document A/CN.4/227 and Add. 1 and 2, p. 19.

that the words used in the amendment to article 72 were too general in scope; it did not understand why, since the choice of the members of the mission was made following consultations and with the implication of a presumed consent, the host State could withdraw such consent at any time. He would therefore like an addition to be made at the end of the new paragraph 2 proposed in the amendment to article 72, the last phrase of which would read: "which it may withdraw at any time, explaining the reasons for such withdrawal" or "which it may withdraw at any time for serious reasons".

38. Mr. SANGARET (Ivory Coast) pointed out that in a time of international economic and technical co-operation, such as the present, it was in the interests of a country like the Ivory Coast to have the possibility of sending to a technical conference, for example, foreign experts who were nationals of the host State. The Ivory Coast delegation thought that the amendment to article 72 submitted by Guatemala, Holy See and Switzerland (A/CONF.67/C.1/L.137) removed the uncertainty that might continue to exist if the host State were able to withdraw its consent at any time to the participation of one of its nationals in a foreign delegation, since the consent of the host State was assumed to have been given if it had been notified of the choice and had made no objection. The Ivory Coast delegation was therefore in favour of that amendment.

39. Mrs. DE MERIDA (Guatemala) said that the amendment to article 72 of which her delegation was one of the sponsors (A/CONF.67/C.1/L.137) aimed at rectifying the International Law Commission's text for that article, which departed from international practice. The idea expressed in article 72, had, moreover, given rise to strong criticism, both from members of the ILC and from international organizations, which considered it hardly favourable to international co-operation. It was because it was anxious not to hamper that co-operation, but on the contrary to promote it, that the Guatemalan delegation had sponsored the amendment.

40. Mr. YÁÑEZ-BARNUEVO (Spain) said that as on the whole the delegations that had spoken had been in favour of the amendment to article 72 in document A/CONF.67/C.1/L.137, and as that amendment constituted a compromise solution, his delegation would not press for a vote on the amendment it had proposed to the same article (A/CONF.67/C.1/L.131).

41. Mr. TANKOUA (United Republic of Cameroon) said that much had been said about notifications in connexion with article 72, but no mention had been made of the date of entry into force of those notifications. In municipal law, administrative decisions brought to the notice of those concerned included a date of entry into force; the delegation of the United Republic of Cameroon was concerned about that omission.

42. Monsignor ROVIDA (Holy See) acknowledged that the observation by the representative of the United Republic of Cameroon was very pertinent. However, in the practice that had been followed during the last 25 years for the meetings of organs and of conferences, some States had sometimes never notified the host State and others had only done so two days before the beginning of conferences, because notifications were associated with credentials, which were always communicated very tardily. A set date for the notifications could not therefore be enforced in practice, and it was better not to try to do so at the risk of instituting too formal a procedure. The Holy See delegation would not oppose a positive suggestion from the Cameroonian representative to that effect, but it wished to point out that such a suggestion would be very difficult to apply in practice.

43. Mr. WERSHOF (Canada) said that his delegation would be reluctant to express a view on paragraph 1 of the proposed amendment (A/CONF.67/C.1/L.137) before knowing the position of the Committee on paragraph 2. He therefore proposed that the amendment should either be put to the vote as a whole, or that a vote should first be taken on the second part of the amendment and then on the first part.

44. Mr. ROCHA (Colombia) said that the amendment to article 72 gave rise to constitutional difficulties for his delegation: representatives of his country could not accept service vis-à-vis foreign Governments without the consent of the Government of Colombia. He therefore suggested that the words "the consent of that State shall be assumed" in the proposed new paragraph 3 should be replaced by the words "the consent of that State shall be assumed to have been requested beforehand".

45. Mr. EL-ERIAN (Expert Consultant) pointed out that the obligation on the nationals of some States to seek the consent of their own Government was mentioned in paragraph 4 of the International Law Commission's commentary to article 72 (see A/CONF.67/4). The Commission was therefore aware of that obligation, but considered that it came under internal law and did not constitute a rule of international law.

46. The CHAIRMAN put to the vote the amendment submitted by Guatemala, the Holy See and Switzerland (A/CONF.67/C.1/L.137).

The amendment was adopted by 63 votes to none, with 6 abstentions.

47. Mr. RITTER (Switzerland) said that, in the opinion of his Government, a State could arrange to be represented either by a multiple delegation or by a delegation including nationals of another State as members. The question of multiple delegations was already provided for in article 42 of the draft, as modified by the amendment by El Salvador, Guatemala and Ivory Coast (A/CONF.67/C.1/L.75); with regard to the second practice, it was sanctioned by the text of article 72 and covered a possibility which his delegation strongly favoured and which was an established tradition in relations between Switzerland and Liechtenstein regarding elections to the International Court of Justice: a member of one delegation could be designated by another State as its delegate.

48. Mr. SMITH (United States of America) said that his delegation had voted for the amendment in document A/CONF.67/C.1/L.137 on the understanding that the notification was made in due time and that the

host State was informed of the nationality of the person in question.

49. Mr. SOGBETUN (Nigeria) said that his delegation, too, had voted in favour of the amendment to article 72 in document A/CONF.67/C.1/L.137, which it considered reasonable.

The meeting rose at 5.55 p.m.

38th meeting

Tuesday, 4 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 O of the annex (Immunity from jurisdiction) *(concluded)* (A/CONF.67/4, (A/CONF.67/C.1/L.97)

1. The CHAIRMAN drew the Committee's attention to the oral amendments proposed at the previous meeting to article O by the representatives of the United Kingdom and of Austria respectively (see 37th meeting, paras. 15 and 17).

2. Mr. RICHARDS (Liberia) proposed, as an oral subamendment to the United Kingdom oral amendment, that at the end of the paragraph the phrase "outside the performance of his tasks" should be inserted before the words "where those damages". That would bring the text into line with the International Law Commission's articles 30 and 61 (see A/CONF.67/4).

3. Mr. HAQ (Pakistan) deplored the fact that some delegations were treating the examination of the annex in a perfunctory manner. His delegation and others had wished to have time to consider the oral amendments to the article which had been proposed at the previous meeting, although he agreed that a provision identical to that proposed orally by the United Kingdom representative had been accepted by the Committee in articles 30 and 61. However, the Liberian subamendment had brought it closer to the original International Law Commission (ILC) text. He was therefore inclined to support the United Kingdom amendment as subamended.

4. Mr. AUST (United Kingdom) said that the purpose of the United Kingdom oral amendment had been to bring article O into line with articles 30 and 61 as already adopted. The principle that members of permanent misisons and delegations did not enjoy immunity from civil and administrative jurisdiction in respect of claims for damages arising out of motor accidents had already been accepted and there was no reason to depart from it in the case of observer missions. Consequently, his delegation could not accept the oral subamendment proposed by the Liberian representative.

5. Mr. RICHARDS (Liberia) requested that his oral subamendment should be put to the vote.

6. The CHAIRMAN put to the vote article O and the amendments thereto.

The seven-Power amendment (A/CONF.67/C.1/L.97) was adopted by 39 votes to 3, with 18 abstentions.

The Austrian oral amendment was adopted by 29 votes to 13, with 14 abstentions.

The Liberian oral subamendment was adopted by 26 votes to 18, with 15 abstentions.

7. Sir Vincent EVANS (United Kingdom) said that in view of the adoption of the Liberian subamendment which nullified the intention of the United Kingdom amendment, he wished to withdraw it.

8. The CHAIRMAN said that it was not possible to withdraw an amendment which had been subamended.

The United Kingdom oral amendment, as subamended, was adopted by 25 votes to 15, with 21 abstentions.

Article O as a whole, as amended, was adopted by 30 votes to 4, with 29 abstentions.

9. Sir Vincent EVANS (United Kingdom), speaking in explanation of vote, said that he had been obliged to vote against his own amendment since the inclusion of the Liberian subamendment had nullified its intent.

10. Mr. JALICHANDRA (Thailand) said that in line with his delegation's preference for the International Law Commission's draft of paragraph 1 (*d*) in articles 30 and 61, he had voted for the Liberian oral subamendment to the United Kingdom amendment.

Article 73 (Laws concerning acquisition of nationality) (A/CONF.67/4, A/CONF.67/C.1/L.128)

11. Mr. FENNESSY (Australia), introducing his amendment (A/CONF.67/C.1/L.128) to article 73, said that his delegation proposed that the provisions of the article should be incorporated in an optional protocol rather than form an integral part of the convention under consideration, owing to the difficulty in reconciling the article with the requirements of the laws of citizenship of many countries, including his own. The problem was best illustrated by way of an example: if a permanent mission to an international organization established in Australia engaged locally, as a member of its service staff, a national of the sending State who had immigrated to Australia, any child born to that person during his employment with the mission could not, under the provisions of article 73,