

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

Vienna, Austria
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1st plenary meeting

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SUMMARY RECORDS OF THE PLENARY MEETINGS

1st plenary meeting

Tuesday, 4 February 1975, at 3.10 p.m.

Acting President: Mr. SUY
(Legal Counsel of the United Nations,
representing the Secretary-General)

President: Mr. SETTE CÂMARA (Brazil).

Opening of the Conference

[Item 1 of the provisional agenda]

1. The ACTING PRESIDENT said that it was a privilege and honour for him to welcome the Federal President of the Republic of Austria. The United Nations was grateful for the facilities and assistance provided by the Government of Austria, which had made a notable contribution to the success of the previous codification conferences held at Vienna in 1961, in 1963 and in 1968–1969. That contribution was reflected in the very title of the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963 and the Vienna Convention on the Law of Treaties of 1969. Over the years the Government of Austria had also extended its hospitality to many institutions, organs and conferences of the United Nations, thus making Vienna a permanent conference centre of world importance.

2. It was a matter of great satisfaction for all those participating in the present Conference that the office of Federal President of Austria should be held by a distinguished jurist who had himself made a valuable contribution to the work of codification and progressive development of international law under the auspices of the United Nations, in his capacities as Minister for Foreign Affairs of Austria, as head of the Austrian delegation to the General Assembly, as representative of Austria in the Sixth Committee, as head of the Austrian delegation at the Second United Nations Conference on the Law of the Sea in 1960 and as deputy head of the Austrian delegation to the United Nations Conference on Diplomatic Intercourse and Immunities of 1961 and the United Nations Conferences on Consular Relations of 1963. The present Conference was accordingly privileged in three respects: first, in meeting in the historic Hofburg, where three successful United Nations codification conferences had already been held; secondly, in benefiting from the help and the facilities so generously given by the Federal Government of the Republic of Austria and, thirdly, in being honoured by the presence of the distinguished jurist who held the high office of Federal President of the host State.

3. He also welcomed the delegations and observers to the Conference, on behalf of the Secretary-General of the United Nations, who had asked him to express his regret at his inability to be present and to convey to the Conference his best wishes for its success. He wished to extend particular greetings to the members of the Federal Government of Austria, to the representatives of the City of Vienna, the members of the diplomatic corps present and to Mr. Alfred Verdross, the great Austrian jurist who had been President of the 1961 Conference on Diplomatic Intercourse and Immunities.

4. On behalf of the Secretary-General, he declared the United Nations Conference on Representation of States in their Relations with International Organizations open and invited the Conference to observe a minute's silence for prayer or meditation.

The Conference observed a minute's silence.

5. The ACTING PRESIDENT said that the present Conference was the seventh in a series of conferences called by the General Assembly for the purpose of drawing up, on the basis of articles drafted by the International Law Commission, international conventions embodying the effort of the world community to comply with the task, laid down in the Charter of the United Nations, of "encouraging the progressive development of international law and its codification". Those codification conferences did much to strengthen the legal bases of international co-operation and were therefore of particular importance at a time when international relations were clearly moving towards the consolidation and full realization of international détente.

6. Two United Nations Conferences on the Law of the Sea had been held at Geneva in 1958 and in 1960; the United Nations Conference on the Elimination or Reduction of Future Statelessness had been held in two stages, the first at Geneva in 1959 and the second at New York in 1961; and lastly, no less than three codification conferences had been held at Vienna: the United Nations Conference on Diplomatic Intercourse and Immunities in 1961, the United Nations Conference on Consular Relations in 1963 and the

United Nations Conference on the Law of Treaties in 1968–1969. In addition to the Conventions adopted at those Conferences, two further conventions had been adopted by the General Assembly itself on the basis of drafts prepared by the International Law Commission: the Convention on Special Missions adopted in 1969 by General Assembly resolution 2530 (XXIV) and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in 1973 by resolution 3166 (XXVIII).

7. The present Conference had been requested by the General Assembly¹ to examine the International Law Commission's draft articles on the representation of States in their relations with international organizations (A/CONF.67/4) and to embody the results of its work in an international convention.

8. The basic proposal thus placed before the Conference would accordingly serve for the formulation of a convention that would codify the general rules applicable to the representation of States in their relations with international organizations. The draft dealt with the status, privileges and immunities of the missions and delegations which represented States at international organizations of universal character and also in the organs of those organizations, and in conferences convened under their auspices. The question was therefore of considerable practical importance for all States, since all of them participated in various ways in the work of international organizations either as host States or as sending States.

9. The question was equally important to the international organizations themselves, and in particular to the United Nations and its organs and to all the organizations and institutions of intergovernmental character which formed the United Nations system. Both States and international organizations were concerned that the problems arising from the application or interpretation of the rules and practices governing the status, privileges and immunities of missions and delegations of States would be settled. Failure to do so would paralyse or at least hamper the operation of the United Nations and thereby jeopardize the fulfilment of the aims and purposes for which the Organization, which represented the collective will of its Members, had been established.

10. A general convention on the representation of States in their relations with international organizations, once it was adopted and entered into force, would not fail to exercise a concrete legal and practical influence on the present state of law and practice relating to international organizations, in particular the United Nations itself and its organs, and the organizations and institutions of intergovernmental character related to it. It was true that the draft articles expressly reserved all the agreements and rules in force and all established practices; nevertheless, the general rules in the matter which would be codified in the future convention would stand as residuary rules to be invoked in certain situations that could arise within the international organizations,

in particular those which formed the United Nations system. The future convention would certainly apply as among its parties in filling any gaps in existing agreements and rules or in established practice. It could also influence the interpretation and present conditions of application of such agreements, rules and practices. Moreover, a general convention would have a great impact on the future development of law and in particular on the development of those agreements, rules and practices which already existed.

11. The draft before the Conference was the fruit of several years of deep study by the International Law Commission, with the valuable assistance of its Special Rapporteur for the topic, Mr. El-Erian, whom the Conference was privileged to have as its expert consultant. In 1958, when the International Law Commission submitted to the General Assembly a set of draft articles on diplomatic intercourse and immunities, the Assembly, by its resolution 1289 (XIII) had invited the Commission "to give further consideration to the question of relations between States and intergovernmental international organizations at the appropriate time, after study of diplomatic intercourse and immunities, consular intercourse and immunities and *ad hoc* diplomacy has been completed by the United Nations".

12. On the basis of the six reports prepared by the Special Rapporteur, and after having followed its usual procedure, the Commission had adopted the final text of its draft articles on the representation of States in their relations with international organizations and had submitted it to the General Assembly in 1971. That same year, the Assembly had consulted States on the draft articles and on the procedure to be followed for the formulation and conclusion of the convention on the subject; in 1972, 1973 and 1974, it had examined and settled a number of questions, namely that of convening an international conference of plenipotentiaries, that of participation in the conference and that of the date and place of the conference.

13. When the present Conference, at the end of the six weeks at its disposal, came to adopt a convention on the representation of States in their relations with international organizations, the last stage of the process of codification and progressive development of the topic would have been completed. It would also be the last stage of the work of codification of the whole body of diplomatic law, which had already led to the adoption of four international conventions.

14. He wished the Conference full success in its extremely important task and assured it that the Secretariat would do everything in its power to assist it in that work. He called upon the Federal President of the Republic of Austria to address the Conference.

Address by the Federal President of the Republic of Austria

15. H.E. Mr. Rudolph KIRCHSCHLAEGER (Federal President of the Republic of Austria) thanked the Acting President for his kind words about himself and his country.

16. It was the fifth time that Austria had the pleas-

¹ Resolutions 2966 (XXVII), 3072 (XXVIII) and 3247 (XXIX).

ure of opening the doors of its Conference Centre to a world codification conference of the United Nations.

17. To Austria, it had become a good and welcome tradition for United Nations codification conferences to be held in Vienna. The object of the codification of international law was to increase security in international dealings. It was with good reason that the Charter of the United Nations, in its Article 13, required the General Assembly to encourage the progressive development of international law and its codification, for that also contributed to security and peaceful development. But who could be more interested in security in international life than a State of the size of the Republic of Austria, situated as it was at the heart of a continent, on the dividing line of differing political and economic conceptions?

18. He therefore very sincerely wished the Conference success in the responsible task before it. Its success would be a success not only for all the States of the great international community but also for the United Nations, an Organization that was needed by all. It was precisely whenever it failed to realize the full extent of the aims it had set itself that States felt all the more deeply how necessary the United Nations was for a peace based on law and justice. That applied equally to the political, economic and social spheres, for all three were inextricably linked.

19. He saw, moreover, in the subject-matter of the Conference the expression of a growing recognition of the significance of international organizations in general. That too was in line with Austria's basic attitude. As the host State of a number of international organizations, Austria had been able to observe closely the activities of that type of institution, without which international relations were no longer imaginable. For that very reason Austria was at present engaged in a very great effort to become an even better home than in the past for international organizations, particular administrative units and conferences held in Vienna.

20. On behalf of the Austrian people and the Austrian Government, he extended to all attending the Conference a cordial welcome and, through them, greetings not only to the Governments and peoples they represented but also to the great United Nations itself.

21. The ACTING PRESIDENT thanked the Federal President of the Republic of Austria for his inspiring address and for honouring the Conference by attending its opening meeting.

The Federal President of the Republic of Austria withdrew.

The meeting was suspended at 3.45 p.m. and resumed at 4.05 p.m.

Election of the President

[Item 2 of the provisional agenda]

22. The ACTING PRESIDENT invited nominations for the office of President of the Conference.

23. Mr. ZEMANEK (Austria) nominated Mr. José Sette Câmara (Brazil), an eminent international lawyer whose distinguished career as a citizen of his country,

as a diplomat, as a representative of Brazil at international conferences and whose great experience as a permanent representative to the United Nations and member of the International Commission eminently qualified him for the duties of President.

24. Mr. GOBBI (Argentina), seconded the nomination and said that the nomination was an honour for Latin America as a whole.

25. Mr. SOGBETUN (Nigeria), Mrs. SLÁMOVÁ (Czechoslovakia), Mr. MATROUD (Iraq) and Mr. MARESCA (Italy) supported the nomination.

Mr. Sette Câmara (Brazil) was elected President by acclamation and took the chair.

26. The PRESIDENT thanked the delegations for their generosity in electing him as President of the Conference. He interpreted his election as an homage to his country, which was a founding Member of the United Nations devoted to the Purposes and Principles of the Charter and to the rule of law among nations.

27. The Conference was the fourth major chapter in the work of the United Nations for the codification of the whole *corpus* of diplomatic law, which had begun with the Vienna Convention on Diplomatic Relations and had been followed by the Vienna Convention on Consular Relations, and the 1969 Convention on Special Missions. The history of diplomatic relations was as old as the existence of States and nations. Although customs embodying the principles of diplomatic law had existed for thousands of years, it was only in modern times that a major effort towards codification had been undertaken.

28. The two previous United Nations conferences on diplomatic law had had behind them a vast body of customary law, which had begun with *ad hoc* diplomacy as old as relations between the first communities of men, followed by the practice of permanent missions that had been introduced in the thirteenth century with the first established embassies of Venice. Consular relations, too, were as ancient as diplomatic practice, if not older, since the roots of the custom of protecting trade and foreigners by special agents went back well beyond the Greek *proxenos* and the Roman *praetor peregrinus*.

29. The task before the Conference was of a complementary nature. International organizations were the mark of modern times and it had been only in the years following the Second World War that parliamentary diplomacy had flourished and spread to encompass all the States of the world. While the experience of the League of Nations and of regional organizations older than the United Nations such as the Organization of American States should not be minimized, the experiment of the League had been short-lived and limited in membership, and regional practice had not provided precedents for use on a world-wide scale.

30. The practice of States that could serve as a basis for the codification of the rules which the Conference was to formulate was to be found in the activities of the United Nations and the specialized agencies. Thirty years of consistent practice, developed under the provisions of bilateral agreements between the

United Nations and its agencies and host States, provided the necessary elements for the work of codification.

31. The basis for the work of the Conference was the draft prepared by the International Law Commission, which had begun its task at its fourteenth session in 1962 and, thanks to its Special Rapporteur, Mr. Erian, had completed it at its twenty-third session, in 1971.

32. The Conference had before it an enormous task. The draft prepared by the International Law Commission comprised 82 articles covering all aspects of the existing relations between States and international organizations. In addition, the Conference had to consider the 24 articles contained in the annex, namely, those dealing with observer delegations to organs and conferences. The Conference would have an impressive amount of work, but he trusted that the competence, experience and goodwill of the delegations from all countries attending the Conference would ensure full compliance with the mandate entrusted to it by General Assembly resolutions 2966 (XXVII), 3072 (XXVIII) and 3247 (XXIX).

33. The Conference would undertake the historic task of establishing rules to govern relations between States and international organizations. Its goal would be to define in clear-cut terms the status of the representatives of States to international organizations in order to assure them of complete parity with traditional diplomatic agents. What the Conference was to accomplish was of concern to the entire world and it was in the spirit of that common and general interest that it should conduct its work. Host States and sending States should not meet in the Conference as the defenders of opposing causes. Rather, the common interest of mankind in the development of multilateral diplomacy should prevail over individual positions. He was sure that the majestic city of Vienna, where the first steps towards the codification of diplomatic law had been taken in 1815 with the approval of the famous Rules for the Precedence and Classification of Foreign Agents and where the Conventions of 1961 and 1963 had been signed, would not fail to inspire and encourage all delegations to bring their task to a successful conclusion for the benefit of the international community.

Question of participation in the Conference

34. Mr. KUZNETSOV (Union of Soviet Socialist Republics) extended his delegation's congratulations to the President on his election and its wishes for every possible success in his task.

35. He pointed out that in its resolution 3247 (XXIX) the General Assembly had recognized the importance of the Conference, which was to prepare an international convention and was to be universal in content and significance. The Assembly had also decided to invite all States to the Conference. Among those invited to the Conference were representatives of the Saigon administration. But the Secretariat of the United Nations had not sent an invitation to representatives of the Provisional Revolutionary Government

of the Republic of South Viet-Nam, although the 1973 Paris Agreement had recognized that there were two zones in the territory of South Viet-Nam, and two administrations—the Provisional Revolutionary Government of the Republic of South Viet-Nam and the Saigon administration. It was well known that the Provisional Revolutionary Government controlled more than four fifths of South Vietnamese territory and had been recognized by more than 40 States. Neither legally, nor from a moral and political point of view, therefore, was the Saigon administration the sole legal representative of the whole country, and it was not authorized to represent the whole of South Viet-Nam.

36. In view of the importance of ensuring respect for the principle of universality, his delegation formally proposed that the Conference should invite the Provisional Revolutionary Government of the Republic of South Viet-Nam to take part in the work of the Conference.

37. Mr. MEISSNER (German Democratic Republic), after extending his delegation's congratulations to the President of the Conference on his election, said that when participation in the Conference had been discussed in the Sixth Committee, at the twenty-ninth session of the General Assembly, his delegation had welcomed the decision to invite all States to participate in the Conference. That decision of the General Assembly represented a breakthrough in the implementation of the principle of universality.

38. His delegation had, however, to express some reservations with regard to the way in which that decision had been interpreted since the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been invited to take part in the work of the Conference. He stressed the fact that there were two governments in South Viet-Nam, namely, the Saigon administration and the Provisional Revolutionary Government, neither of which was the sole legal representative of the South Vietnamese people. The Provisional Revolutionary Government had as much right as the Saigon administration to participate in international conferences. His delegation therefore supported the proposal of the USSR delegation to invite the Provisional Revolutionary Government of South Viet-Nam to take part in the work of the Conference.

39. Mr. TODOROV (Bulgaria), after expressing his delegation's congratulations to the President on his election, observed with regard to the proposal made by the USSR delegation that, in a time of international détente, the development of the political situation depended on the maintenance of friendly relations among States. To prevent one group of countries from participating in the solution of major international problems would be a dangerous approach which could slow the development of good relations among States and increase tensions dangerous for all mankind. Such an attitude, which was inadmissible in any area, was even more unacceptable in the codification and progressive development of international law. It was important that all States should recognize and use international law to strengthen the juridical basis of international cooperation and it would be most regrettable if varying

interpretations of the wording of General Assembly resolution 3247 (XXIX) prevented the Provisional Revolutionary Government of the Republic of South Viet-Nam from participating in the Conference; which should decide to invite the Provisional Revolutionary Government to take part in its work in order to ensure full implementation of the principle of universality.

40. In the modern world, international organizations were an important forum for co-operation in various fields, and the establishment of appropriate rules for the representation of States in their relations with international organizations was a matter of great political importance. Since the proposed Convention would establish such rules and deal with organizations of a universal character, it must be open to all States. It was therefore logical that all States should also be able to participate in the preparatory work. An international instrument establishing rules for a limited number of countries could not be universal.

41. In South Viet-Nam, there were two administrations, namely, the Provisional Revolutionary Government of the Republic of South Viet-Nam and the Saigon administration—Republic of Vietnam—and, under the Paris Agreement, they were to be treated equally. Indeed, in its resolution No. 9 the Fourth Conference of Heads of States or Government of Non-Aligned Countries held at Algiers in September 1973 had declared that the sole authentic representative of the South Vietnamese people was the Provisional Revolutionary Government of the Republic of South Viet-Nam, whose victorious resistance had led to the signing of the Paris Agreement and which had been recognized by more than 40 Governments. The Provisional Revolutionary Government had proved all the attributes of a State Power: territory, population, army and government efficiency. The two administrations had taken part in the International Conference on Viet-Nam and had agreed that they would co-exist until democratic elections were held. Moreover, all the other parties to the Paris Agreement had agreed to the parallel existence of the two administrations and all other subjects of international law should therefore respect the duality of administrations in South Viet-Nam. In the final analysis, any discrimination against the Provisional Revolutionary Government would be a violation of the Paris Agreement and could be construed as an attitude of contempt for all international agreements.

42. In that connexion, he stressed that there was now a trend in international relations to broaden the concept of universality in international conferences and organizations and to write off diplomatic recognition as a condition for participation in international conferences and organizations of a universal character. He hoped that the Conference would take account of that trend and that the proposal made by the USSR which his delegation supported would receive broad support.

43. Mrs. MIRANDA (Cuba) regretted the exclusion from the Conference of the Provisional Revolutionary Government of the Republic of South Viet-Nam, which was the only true representative of the South Vietnamese people. Such an exclusion would violate the Agreement and the Final Act of the Paris

Conference on Viet-Nam and that exclusion would be most reprehensible in view of the invitation extended to the Saigon administration. At their Fourth Conference held at Algiers in 1973, the non-aligned countries had adopted a resolution inviting non-aligned countries to give and to intensify their support of the Provisional Revolutionary Government of the Republic of South Viet-Nam in the political, moral and diplomatic fields. She therefore supported the proposal made by the USSR representative.

44. Mr. KARSKI (Poland), after congratulating the President on his election, said that he fully supported the position adopted by the USSR representative on the participation of the Provisional Revolutionary Government of the Republic of South Viet-Nam in the Conference. It was consistent both with the Charter of the United Nations and with the letter and spirit of the Paris Agreement. His delegation could not accept the representative of the Saigon administration as the sole representative of the whole of South Viet-Nam.

45. Mr. ELIAN (Romania) after congratulating the President on his election, recalled that his country had proposed that the General Assembly should examine ways and means of strengthening the effectiveness and capacity to act of the United Nations so that it reflected the current trend towards democratization in international life. The participation of all States interested in the activities of the United Nations and other international organizations was essential; the fate of mankind could not be left in the hands of a few States. In that context, General Assembly resolution 3247 (XXIX) had invited all States and liberation movements to attend the Conference. An invitation should therefore be extended to the Provisional Revolutionary Government of the Republic of South Viet-Nam so that the Convention to be adopted might be the fruit of the labours of all States. Such an invitation would also testify to the understanding of the international community with regard to the Provisional Revolutionary Government.

46. Mrs. KONRAD (Hungary) associated herself with the congratulations to the President. She supported the USSR proposal; she was convinced that the Provisional Revolutionary Government of the Republic of South Viet-Nam should be invited and should be present at the Conference.

47. Mr. KHASHBAT (Mongolia) also offered his congratulations to the President. He supported the USSR proposal for the reasons adduced by previous speakers. The legal status of the Provisional Revolutionary Government of the Republic of South Viet-Nam had been settled by the Paris Agreement, in particular by the Final Act, which had been signed by the 12 participants. The Provisional Revolutionary Government exercised territorial sovereignty and was recognized by over 40 States. In view of the fact that resolution 3247 (XXIX) had requested the Secretary-General to invite "all States", he hoped that the Conference would support the USSR proposal.

48. Mr. DO-HUU-LONG (Republic of Viet-Nam) said that it was regrettable that certain delegations wished to use an exclusively technical conference as a

forum for polemics. It had been decided by General Assembly resolution 3247 (XXIX) to invite participation in the Conference by States and by national liberation movements recognized by the Organization of African Unity and/or the League of Arab States. There could be no grounds for inviting the Provisional Revolutionary Government, which was controlled by Hanoi and only served to mask the latter's war of aggression against South Viet-Nam; a war which had caused 2 million victims. At the present time, the whole of the North Vietnamese army of 570,000 men was illegally stationed in South Viet-Nam. Foreign writers who had visited the areas controlled by the Viet-Cong had testified to the visible presence of North Vietnamese personnel and to the total unimportance of the Provisional Revolutionary Government. It was clear from the definition of aggression approved by General Assembly resolution 3314 (XXIX) that the Provisional Revolutionary Government could not qualify either as a provisional government or a liberation movement. It was further clear from the terms of that resolution that temporary military occupation of areas in South Viet-Nam could not confer sovereignty on the Provisional Revolutionary Government and could not be recognized by the United Nations. The borders of South Viet-Nam had been fixed by the 1954 Geneva Conference and the 1974 Paris Agreement had called for the withdrawal from those borders of all foreign troops.

49. On the other hand, the unlawful occupation of part of its territory could not detract from the status of the legal and constitutional Government of the Republic of Viet-Nam. It had existed for many decades and was recognized by over 90 States. It maintained diplomatic relations with 50 States, including the Great Powers. It was a member of United Nations specialized agencies and had established a permanent mission in Geneva and an observer mission in New York. It was a member of the Group of 77 and participated in the work of the United Nations. It intended to extend its relations with the third world. Furthermore, its legal status was unquestioned even by the communist bloc: in 1956, the USSR had proposed that both Hanoi and the Republic of Viet-Nam should be admitted as Members of the United Nations. Any attempt to invite the Viet-Cong to the present Conference would not only run counter to morality but would be tantamount to legitimizing the aggression which the General Assembly had formally condemned.

50. Mr. KABUAYE (United Republic of Tanzania) supported the USSR proposal. He would not repeat the arguments already presented by previous speakers, but it was proper that the Conference should rectify the irregularity brought to its notice. If it was the intention to provide protection for those covered by the draft Convention, all should be invited to attend the Conference, including South Viet-Nam.

51. Mr. SMITH (United States of America) was unable to agree with the statements made by many of the previous speakers. It was regrettable that a Conference with a formidable task should be side-tracked by an issue which he had hoped had been settled and which, in his view, it was out of order to raise at the

present juncture. It was beyond the competence of the Conference to reconsider a question discussed by the General Assembly. The invitation to participate in the Conference had been extended to States. The Republic of Viet-Nam was a State and a member of 11 specialized agencies. The Provisional Revolutionary Government was not a State. He urged the Conference to proceed with the agenda for the meeting.

52. Mrs. SLAMOVA (Czechoslovakia) fully endorsed the USSR proposal, which was perfectly reasonable. The Conference had been convened to deal with an important area of international law. It should therefore be universal and the Provisional Revolutionary Government should be invited to attend.

53. Mr. KUZNETSOV (Union of Soviet Socialist Republics) said there was no need to hold a political discussion or to answer the insinuations and calumnies of the representative of the Saigon administration. Whether or not Saigon recognized the second party in South Viet-Nam, it had been recognized by the Paris Agreement. In terms of effective functioning, the Provisional Revolutionary Government had at least as much claim to be regarded as a Government as the Saigon administration.

54. Mr. JELIĆ (Yugoslavia) also supported the USSR proposal. General Assembly resolution 3247 (XXIX) addressed an invitation to all States: South Viet-Nam was undoubtedly a State but it had two governments which had been put on an equal footing by the Paris Agreement. The Conference could not discriminate between them. The Saigon administration alone could not claim to represent South Viet-Nam.

55. Sir Vincent EVANS (United Kingdom) failed to see how the Conference could deal with a matter which had been raised before the adoption of the agenda and the rules of procedure; it appeared to be out of order. With regard to the somewhat confusing points that had been put to the meeting, the United Kingdom recognized two States in the geographical area known as Viet-Nam, namely the Republic of Viet-Nam and the Democratic Republic of Viet-Nam. It had been stated that there was in addition a third entity, described as the Provisional Revolutionary Government of South Viet-Nam, which should also be invited to the Conference. A United Nations Conference was expected to work in accordance with General Assembly resolutions and the practice of the United Nations. The invitation to "all States" in General Assembly resolution 3247 (XXIX) should be interpreted by the Conference in accordance with that practice. If the third entity was to be invited, it must be as a State or as a Government of a State recognized by the General Assembly. It was not disputed, however, that the third entity was not recognized as a State by the General Assembly and it was therefore out of the question that it should be invited as a State.

56. It had been proposed that the Provisional Revolutionary Government should be accorded the same treatment as the Saigon administration and invited as the Government of South Viet-Nam, but it was out of order for one State to be represented by two governments, one of which was not recognized by the General

Assembly. Furthermore, the Provisional Revolutionary Government had been recognized by only the comparatively small number of 40 States out of a United Nations membership of over 130 States. The Conference must act in accordance with General Assembly resolution 3247 (XXIX) under which it had been convened. His delegation could not therefore agree with the USSR proposal.

57. Mr. SHELDON (Byelorussian Soviet Socialist Republic) extended his delegation's congratulations to the President on his election. He recalled that, at the twenty-ninth session of the General Assembly, the delegation of the Byelorussian SSR had welcomed the General Assembly's decision in resolution 3247 (XXIX) to make the Conference universal. At that time the delegation of the Byelorussian SSR had also emphasized that it disagreed with an idea that had already appeared in the report of the Sixth Committee² and that would permit a restricted interpretation of the resolution. It had transpired that the Secretariat of the United Nations had not invited the Provisional Revolutionary Government of the Republic of South Viet-Nam to attend the Conference. That situation was totally abnormal and undermined the principle of universality.

58. In the so-called "understanding" recorded in the report of the Sixth Committee it was stated that, should difficulties arise on the question of invitations, consultations to resolve such difficulties would be held. General Assembly resolution 3247 (XXIX) had been adopted on 29 November 1974, nearly three weeks before the end of the twenty-ninth session; if the United Nations Secretariat had needed consultations, they could have been held. But there had been no consultations.

59. The argument that the discussion was premature was not valid because, in the light of the spirit of General Assembly resolution 3247 (XXIX), the Conference, which was a sovereign body, was perfectly entitled to consider the very important proposal by the representative of the Soviet Union. His delegation categorically rejected the insinuations of the representative of the Saigon administration. That representative could not deny the fact that four fifths of all the territory of South Viet-Nam was controlled by the Provisional Revolutionary Government of the Republic of South Viet-Nam. As far as certain other statements were concerned, he emphasized that the Provisional Revolutionary Government of the Republic of Viet-Nam was a party to a number of important international agreements including the decisions adopted at the fourth Conference of Heads of State or Government of Non-Aligned Countries held at Algiers in September 1973. That Conference had been attended by almost 80 countries, and a delegation of the Provisional Revolutionary Government of the Republic of South Viet-Nam had participated on an equal footing. His delegation therefore fully supported the USSR proposal.

60. The PRESIDENT suggested that until the Con-

ference had adopted its rules of procedure it would not have the practical means to take a decision on the USSR proposal for it would not have established the criteria governing the majority required for decisions. He suggested, therefore, that the Conference should defer consideration of the USSR proposal until it had adopted its agenda and rules of procedure.

61. Mr. KUZNETSOV (Union of Soviet Socialist Republics) said that his delegation was, of course, in favour of proceeding according to the order of the day. The question of adoption of the rules of procedure was, however, far removed from the issue under discussion. The rules of procedure were rules governing the work of the Conference on a given item of discussion. They did not cover the question raised by his delegation. It would, therefore, seem more correct to take a decision on his delegation's proposal.

62. The PRESIDENT asked the Legal Counsel to express his opinion on the matter.

63. Mr. SUY (Legal Counsel) said that it seemed to him that it was not possible to have a game without rules.

64. The PRESIDENT said that unless he heard an objection, he would take it that the Conference wished to adopt the procedure he had suggested earlier.

It was so decided.

Adoption of the agenda

(A/CONF.67/1)

[Item 3 of the provisional agenda]

The provisional agenda (A/CONF.67/1) was adopted.

Adoption of the rules of procedure

(A/CONF.67/2)

[Agenda item 4]

65. Mr. ALBA (Spain) proposed that the words "in the languages of the Conference" should be inserted between the words "delegations" and "not" in the second sentence of provisional rule 30.

66. The PRESIDENT suggested that the Conference could not take a decision on that proposal until it had adopted the rules concerning the majority required for decisions. He suggested, therefore, that the Conference should first approve the rules of procedure as provisionally prepared, with the exception of rule 30, and then decide on the Spanish amendment.

It was so decided.

67. The PRESIDENT said that unless there was objection, he would take it that the Conference approved the rules of procedure as contained in document A/CONF.67/2, with the exception of rule 30.

It was so decided.

68. Sir Vincent EVANS (United Kingdom) asked whether adoption of the Spanish proposal would give rise to any undue practical problems. The amendment should be read in the light of rule 52. Adoption of the amendment would mean that as a general rule no pro-

² See *Official Records of the General Assembly, Twenty-ninth Session, Annexes, agenda item 88, document A/9836/Rev. 1.*

posal would be discussed or put to the vote unless copies of it had been circulated to all delegations not later than the day preceding the meeting in all five languages of the Conference. Would that be practicable?

69. Mr. RYBAKOV (Executive Secretary) pointed out that China was not participating in the Conference. There was, therefore, an understanding that there would be no interpretation into Chinese and that limited-distribution documents would not be translated into Chinese. In effect, there would thus be only four languages of the Conference.

70. The PRESIDENT said that unless he heard objection, he would take it that the Conference adopted the Spanish amendment.

It was so decided.

71. Mr. DORON (Israel) said that in order to bring the last sentence of rule 30 into line with the amendment just approved, the word "so" should be inserted between the words "been" and "circulated" in the penultimate line.

It was so decided.

Rule 30, as amended, was adopted.

The rules of procedure, as a whole, as amended, were adopted.

72. The PRESIDENT suggested that in order to allow delegations time for consultations, further consideration of the USSR proposal should be deferred until the following meeting.

It was so decided.

The meeting rose at 6 p.m.

2nd plenary meeting

Wednesday, 5 February 1975, at 10.25 a.m.

President: Mr. SETTE CÂMARA (Brazil).

Election of Vice-Presidents

[Agenda item 5]

1. The PRESIDENT said that several delegations belonging to the African and Asian groups had requested him to suspend the meeting to enable them to reach agreement on the nominations for the offices of Vice-President. He therefore suggested that the meeting should be suspended.

The meeting was suspended at 10.30 a.m. and resumed at 12.45 p.m.

2. The PRESIDENT announced that it had not been possible to reach complete agreement on the nominations. In the meantime, he suggested that the Conference should consider the proposal, made by the USSR at the previous day's meeting, that the Provisional Revolutionary Government of the Republic of South Viet-Nam be invited to participate in the Conference.

It was so decided.

Question of participation in the Conference (continued)

3. Mr. SALLOUM (Syrian Arab Republic) and Mr. COULIBALY (Mali) signified that they were in favour of participation by the Provisional Revolutionary Government of South Viet-Nam in the work of the Conference.

4. Mr. UNGERER (Federal Republic of Germany) said he was astonished that the question of the representation of the Republic of Viet-Nam had been raised at the Conference. So far as he knew, the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been invited to any of the other conferences, even the most important ones, which had been held or which were to be held in 1975. Although

the Conference was its own master so far as its procedures and methods of work were concerned, it would be out of place for it to discuss, and still less to decide on, a political issue of the kind that had thus been raised, which should properly be dealt with by the General Assembly.

5. He was also amazed, in connexion with that same question, that legal experts could uphold the concept—very strange from the legal point of view—that a State should be represented by two governments, one of which was recognized by the vast majority of other States while the other was a provisional revolutionary government. It would be interesting to speculate on the possible implications of such a concept and even more interesting to draw from it long-term political conclusions.

6. Refraining, however, from such speculations, the speaker confined himself to stating his conviction that the question which had been raised did not come within the purview of the Conference, and that the latter would be well advised to leave it to the General Assembly and to proceed with its agenda.

7. Mr. BABIY (Ukrainian Soviet Socialist Republic) said that the proposal made by the representative of the Soviet Union on the previous day had been motivated by a desire to strengthen peace and co-operation throughout the world, having regard to the present state of international relations and of international law and to the principle of universality which was becoming more and more widely recognized and accepted. That principle was particularly important in relation to a Conference devoted to codification and the progressive development of international law. The very title of the Conference clearly showed that the latter concerned all States and all Governments without exception.

8. Such codification of international law must therefore be undertaken with the participation of all coun-