

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

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10th plenary meeting

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10th plenary meeting

Wednesday, 12 March 1975, at 3.20 p.m.

President: Mr. SETTE CÂMARA (Brazil).

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)

[Agenda item 11]

CONSIDERATION OF THE TITLES AND TEXTS OF ARTICLES ADOPTED BY THE COMMITTEE OF THE WHOLE (continued) (A/CONF.67/11/Add.4 and 5)

PART IV. OBSERVER DELEGATIONS TO ORGANS AND TO CONFERENCES (A/CONF.67/11/Add.4)

1. Mr. PINEDA (Venezuela) informed the Conference that, since the previous meeting, his delegation had been consulting other delegations with a view to finding a generally acceptable solution to the problem of part IV of the draft (A/CONF.67/11/Add.4). In a spirit of co-operation, it had decided to withdraw the proposal it had made at the previous meeting, owing to the procedural and substantive difficulties connected with that proposal.

2. In its place, the Venezuelan delegation now proposed that the title of part IV and the text of article 72 should be retained but article 73 should be amended to read as follows: "The provisions of articles 43 to 71 of this Convention shall apply to observer delegations".

3. Mr. SYSSOEV (Union of Soviet Socialist Republics) said that the new Venezuelan proposal had some positive aspects. He recalled, however, that, at the previous meeting the Byelorussian delegation had proposed that the Conference should continue to consider the draft convention article by article. The Soviet Union delegation supported the latter proposal and would object to any other method of work.

4. Mr. GOBBI (Argentina) pointed out that the new Venezuelan proposal would help to make the contents of the future convention, which at present consisted of about a hundred articles, more manageable. As the differences between parts III (A/CONF.67/11/Add.3) and IV were minimal and as the Venezuelan proposal would have the merit of placing observer delegations on the same footing as delegations, it was a generous proposal that deserved careful consideration.

5. Mr. RITTER (Switzerland) said he thought that the Venezuelan proposal would make it possible to solve simply, quickly and elegantly the questions which were then in the mind of the Conference. By its very succinct wording, the new article 73 would settle the problem of equal treatment for delegations and observer delegations.

6. The article-by-article method of considering the draft could have one of two results: either the differences between parts III and IV of the draft would continue to exist, as was likely to happen if the amend-

ments submitted by the Soviet delegation, among others, to articles 84, 86 and 88 (A/CONF.67/C.1/L.112, 93 and 98, respectively), were not adopted—a result which the advocates of equal treatment certainly did not wish; or the amendments in questions would be accepted, and parts III and IV would then be almost identical. In those circumstances it was surely better to deal with the matter in one article, as the Venezuelan delegation proposed, rather than to embark upon long discussions.

7. Mr. KUZNETSOV (Union of Soviet Socialist Republics) observed that attempts were being made to reach a compromise which need not be sought. The Committee of the Whole had spent a week on working out new forms of international law relating to the status of observer delegations. By invoking procedural considerations, some delegations were now trying to reduce that work to nought. At the outset, several delegations had been opposed to the granting of privileges and immunities to observer delegations. In spite of the short time at its disposal, the Committee of the Whole had managed to formulate a number of articles on the subject. He denounced manoeuvres that would simply wipe out what it had achieved. At the previous meeting, the President had decided that the draft convention would be considered article by article. If any delegation challenged that decision, it should so inform the Conference openly. Consequently, he proposed that all the articles of part IV should be put to the vote.

8. The PRESIDENT observed that every delegation was entitled to make proposals.

9. Mr. DE ROSENZWEIG-DÍAZ (Mexico) supported the Venezuelan proposal, which would produce a satisfactory settlement of the question of observer delegations. Part IV would consist of two articles. The first would recognize the right of any State to send an observer delegation to an organ or to a conference, and the second would define the legal status of such delegations. Technically, the solution proposed by the Venezuelan delegation was the best. In no way was it tantamount to reducing the work of the Committee of the Whole to nought. On the contrary, it was on the basis of the work of the Committee of the Whole, which had defined the status of observer delegations, that the Conference would be reaching the conclusion that their status was identical to that of delegations.

10. Mr. MAAS GEESTERANUS (Netherlands) welcomed the compromise solution proposed by the Venezuelan delegation. Since the Netherlands delegation had always favoured merging parts III and IV of the draft, it was bound to be in favour of any other method that would achieve the same result. As he understood it, the new article 73 would replace not only draft article 73 but also all the subsequent articles proposed in document A/CONF.67/11/Add.4.

11. Mr. AL-ADHAMI (Iraq) said he did not agree

that the articles in part IV of the draft should be deleted. The method of work followed so far was good and there was no reason to depart from it.

12. Mr. GOBBI (Argentina) stressed the fact that the Venezuelan delegation had submitted its new proposal after a comparative analysis of parts III and IV of the draft had shown that part IV was redundant. Referring to the statement by the USSR representative, he said that he was aware of the efforts made by that delegation to strengthen the status of observer delegations. The solution proposed by the Venezuelan delegation would go even further, since it would put the observer delegations on an equal footing with delegations. Lastly, the Venezuelan proposal did not raise any procedural difficulties; it meant voting on article 72, on the amendment to article 73 and, if necessary, on article 73 as amended.

13. Mr. MARESCA (Italy) pointed out that a solution similar to that proposed by the Venezuelan delegation had been adopted in the case of the Vienna Convention on Consular Relations.¹ One of the categories of agents covered by that Convention was difficult to classify, namely, that of honorary consular officials. Article 58 of that instrument listed a number of articles relating to career consular officers that also applied to honorary consular officers. The Venezuelan proposal would result in a similar economy of articles and the Italian delegation fully supported it.

14. Mr. SHELDON (Byelorussian Soviet Socialist Republic) said that it was by dint of great effort that the Committee of the Whole had defined, in a separate part of the draft convention, the status of observer delegations. Just when rules on the subject could be codified for the first time, attempts were being made to thwart the will of the majority of the Committee of the Whole. To be sure, every delegation was entitled to make procedural proposals but it did not seem advisable, at the present stage of the Conference, to change the method of work. Consequently, the Byelorussian delegation was in favour of considering part IV article by article.

15. Mr. MUSEUX (France) said that he found the Venezuelan proposal very constructive. During the voting on the articles of the annex,² the French delegation had always abstained because it had considered that the method of work being followed would not lead to satisfactory results. Its fears had been confirmed, since the rare differences existing between parts III and IV were no longer justified.

16. He recalled that at its second reading of the draft articles, the International Law Commission (ILC) had combined the provisions concerning permanent missions and those concerning permanent observer missions. For lack of time, it had not been able to take a similar decision with regard to the draft articles concerning delegations and observer delegations to organs and conferences. By putting the provisions relating to observer delegations in an annex, it had intended to

emphasize the incompleteness of that part of the draft. In every respect, and particularly from the technical point of view, the Venezuelan proposal was a satisfactory solution; it eliminated a sketchy element from the draft and would give it the aspect of a finished work.

17. Mr. DO NASCIMENTO E SILVA (Brazil), invoking rule 26 of the rules of procedure, moved the closure of the debate on the procedural question under discussion. The subject of observer delegations had been discussed for a week in the Committee of the Whole and everyone knew what the voting would involve; it was therefore pointless to repeat the same arguments that had been advanced in the Committee of the Whole, and the Venezuelan delegation had offered the Conference a compromise solution. If the Venezuelan proposal was adopted, the problems would be solved. If not, the Conference would follow the method advocated by the USSR delegation, that of considering part IV article by article. In the opinion of the Brazilian delegation, there was really no problem of procedure.

18. The President said that if he heard no objection, he would take it that the Conference adopted the motion for closure made by the representative of Brazil.

The motion was adopted.

19. The PRESIDENT, before going on to the consideration of article 73, suggested that the Conference should consider the title of part IV, and article 72. If he heard no objection, he would take it that the Conference wished to follow that procedure.

It was so decided.

The title of part IV (Observer delegations to organs and to conferences) was adopted.

Article 72 (Sending of observer delegations)

Article 72 was adopted.

Article 73 (Appointment of the members of the observer delegation)

20. Mr. PINEDA (Venezuela) proposed that the wording of the new article 73 he had proposed should be changed in the following manner in order to bring it into line with the title of part IV: "The provisions of articles 43 to 71 of the present Convention shall apply to observer delegations to organs and to conferences".

21. The PRESIDENT read out the last sentence of rule 41 of the rules of procedure, which provided that a motion was considered an amendment to a proposal if it simply added to, deleted from or revised part of that proposal. He regarded the text submitted by the Venezuelan representative as a proposal which should be put to the vote after the text adopted by the Committee of the Whole.

22. Mr. SOGBETUN (Nigeria) suggested a drafting change, inserting the word "All" before the words "the provisions" at the beginning of the Venezuelan proposal.

23. Mr. PINEDA (Venezuela) accepted the Nigerian representative's amendment, which improved the text he had proposed.

24. Mr. YÁÑEZ-BARNUEVO (Spain), supported by Mr. PINEDA (Venezuela), said that the Conference

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

² See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 10*, p. 59.

could decide, in accordance with rule 42 of the rules of procedure, to vote first on the Venezuelan proposal.

25. Mr. SHEDOV (Byelorussian Soviet Socialist Republic) asked the Venezuelan representative whether his proposal entailed the deletion of the articles relating to observer delegations in part IV, and pointed out that it had been decided that oral amendments would no longer be accepted.

26. Mr. PINEDA (Venezuela) replied that adoption of his proposal would entail the deletion of articles 73 to 96 adopted by the Committee of the Whole.

27. Mr. RITTER (Switzerland) endorsed the President's interpretation of the rules of procedure because he considered the text of the Venezuelan proposal too far removed from the article adopted by the Committee of the Whole to be described as an amendment. In the circumstances, the chronological order of the presentation of texts should be followed.

28. Mr. MEISSNER (German Democratic Republic) asked whether adoption of the Venezuelan proposal would entail reconsideration of article 1.

29. Mr. PINEDA (Venezuela) suggested that, in view of the limited time left to it, the Conference should proceed to the vote.

30. Following a discussion in which Mr. YAÑEZ-BARNUEVO (Spain), Mr. TODOROV (Bulgaria) and Mr. PINEDA (Venezuela) took part, the PRESIDENT put to the vote, first, the text of article 73 adopted by the Committee of the Whole.

The result of the vote was 24 in favour and 25 against, with 19 abstentions.

Article 73 was not adopted, having failed to obtain the required two-thirds majority.

31. The PRESIDENT invited the Conference to vote on the Venezuelan proposal.

32. Mr. CABEZAS-MOLINA (Ecuador) requested a roll-call vote.

Mali, having been drawn by lot by the President, was called upon to vote first.

In favour: Mexico, Netherlands, Norway, Philippines, Poland, Republic of Korea, Republic of Viet-Nam, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Argentina, Australia, Austria, Brazil, Canada, Chile, Colombia, Cuba, Denmark, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Ireland, Israel, Italy, Japan.

Against: None.

Abstaining: Mali, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Peru, Qatar, Romania, Saudi Arabia, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, United States of America, Yemen, Bangladesh, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Democratic People's Republic of Korea, Egypt, German Democratic Republic, Germany (Federal Republic of), Holy See, Hungary, India, Indonesia, Iraq, Ivory Coast,

Khmer Republic, Kuwait, Lebanon, Libyan Arab Republic, Madagascar, Malaysia.

The result of the vote was 32 in favour and none against, with 41 abstentions.

The Venezuelan proposal was adopted, having obtained the required two-thirds majority.

33. Mr. SURENA (United States of America) recalled that, when the articles of the annex had been considered in the Committee of the Whole, his delegation had experienced difficulties with regard to the scope of the annex and the categories of observer delegations concerned. His delegation appreciated the Venezuelan delegation's desire for a compromise, but it had nevertheless been unable to support the proposal made, first, because its doubts concerning the scope of those articles remained and had even grown as a result of the decision just taken, and secondly, because it was not convinced that the privileges and immunities provided for in part III really applied to observer delegations.

34. Mr. SYSSOEV (Union of Soviet Socialist Republics) noted that the Conference had buried part IV of the draft convention. Yet, the ILC had prepared an excellent document with a view to codifying an aspect of international collaboration and giving observers an independent legal status. As a result of the manoeuvres engaged in, the form of part IV was now incomprehensible. His delegation remained convinced, however, that rules such as those which had been prepared should appear in the convention and it hoped that they would be codified in the future. His delegation had abstained from the vote on the Venezuelan proposal to show its solidarity with all the other delegations which had abstained.

35. Mr. CALLE Y CALLE (Peru) said that his delegation had been in favour of article 73 adopted by the Committee of the Whole and the Drafting Committee; indeed, it would have supported all the articles in part IV of the draft convention. Since, however, the text adopted by the Committee of the Whole for article 73 had been rejected by the Conference, his delegation had abstained from the vote on the new text proposed by the Venezuelan representative. Although it was the understanding of his delegation that all the privileges and immunities enjoyed by delegations to organs or conferences would also apply to observers to the same organs or conferences, it believed that observers deserved to have a status of their own.

36. Mr. PINEDA (Venezuela) suggested that the new article adopted should be entitled "General provision concerning observer delegations".

TITLE OF PART V (General provisions)

37. The PRESIDENT said that, if there were no objections, it would be his understanding that the Conference adopted the title of part V (General provisions) (A/CONF.67/11/Add.5).

The title of part V was adopted.

Article 97 (Nationality of the members of the mission, the delegation or the observer delegation)

38. Mr. CALLE Y CALLE (Peru) said that the ref-

erences to article 72 in articles 9 and 43, on the appointment of the members of the mission and of the delegation respectively, should be replaced by a reference to the article under consideration.

39. The PRESIDENT said that the Secretariat would bear that comment in mind.

Article 97 was adopted.

Article 98 (Laws concerning acquisition of nationality)

40. Mr. RITTER (Switzerland) stated that his delegation was not in a position to accept the obligations resulting from article 98.

41. Mr. FENNESSY (Australia) requested that article 98 be put to the vote; his delegation would vote against it for the reasons it had already explained during the discussion in the Committee of the Whole. Such an article was out of place in a convention on the privileges and immunities of representatives of States to international organizations, and it was not for the Conference to legislate on the matter of nationality. The provisions of article 98 would give rise to serious difficulties not only for his delegation but for the delegations of other countries as well.

42. Mr. GOBBI (Argentina) endorsed the comments of the representative of Australia. He wished to point out, however, that there was an element of danger in the position adopted by the Australian representative because, in the absence of article 98, the question of the nationality of members of delegations would be governed quite arbitrarily by the domestic jurisdiction of States.

43. Mr. PINEDA (Venezuela) considered, like the representative of Argentina, that article 98 had its place in the convention and that the absence of such an article might give rise to problems in practice: for instance, a woman diplomat might automatically lose her nationality if she married a national of the host State, and the privileges and immunities to which she would normally be entitled would thereby be reduced. His delegation would therefore vote in favour of keeping article 98.

44. Mr. MAAS GEESTERANUS (Netherlands) said that although article 98 contained an idea which might be retained, the legal principle laid down in the article was too difficult to apply since it would extend to members of the staff of the mission. There might even be cases in which the children of staff recruited locally would come under the provisions of article 98.

45. Therefore, while considering that provisions governing the acquisition of nationality should be worked out, if necessary in the form of a protocol prepared by the ILC, his delegation would vote against article 98 as it was worded at present.

46. Mr. DANCE (United Kingdom) said that his delegation would vote against article 98 for the reasons it had already explained at the 38th meeting in the Committee of the Whole during the discussion of that article, which at that time was number 73. When, at that meeting, the Expert Consultant had been asked what difficulties might be caused by the absence of a provision such as that in article 98, he had replied that

he was not aware of any potential difficulties. Since the purpose of the article was to solve a problem which did not, in fact, seem to exist, and since it would constitute an obstacle to the signature of the convention by certain delegations, his delegation would vote against keeping it.

47. Mr. SMITH (United States of America) affirmed that article 98 caused difficulties for several delegations. From the point of view of United States legislation, it would raise no problem as far as the acquisition or loss of nationality through marriage was concerned; it would be a different matter, however, in the case of births on the territory of the United States of America. His delegation considered it better not to include such a complex subject in an article of a convention on privileges and immunities and to avoid dealing with the question of nationality, which constituted an obstacle to signature of the convention.

48. Mr. TODOROV (Bulgaria) said that the arguments which had been put forward in the Committee of the Whole in favour of deleting the article and which were now being repeated were not very convincing. Since the Committee of the Whole had adopted article 98 by 54 votes to 5, with 11 abstentions, it was not very clear why the Conference would wish to go back on that decision.

49. Mr. MARESCA (Italy) said that the article would also create a problem from the point of view of Italian legislation. It often happened that women diplomats married Italians and thereupon automatically acquired Italian nationality. It was difficult, in such cases, to continue to accord them the privileges and immunities to which foreign diplomats were entitled. His delegation would therefore vote against article 98.

50. Mr. GOBBI (Argentina) drew the Italian representative's attention to the fact that the other conventions on diplomatic relations contained provisions similar to those in article 98.

51. The PRESIDENT put to the vote article 98.

The result of the vote was 45 in favour and 9 against, with 12 abstentions.

Article 98 was adopted, having obtained the required two-thirds majority.

Article 99 (Privileges and immunities in case of multiple functions)

Article 99 was adopted.

Article 100 (Co-operation between sending States and host States)

52. Mr. KUZNETSOV (Union of Soviet Socialist Republics) requested a vote on article 100. He recalled that that article had not been included in the International Law Commission's draft and that, when it had been submitted in the Committee of the Whole, several delegations had expressed misgivings about its contents. Article 100 contained provisions which were unacceptable to his delegation, since it imposed on the sending State the obligation to take part in judicial investigations. His delegation would therefore vote against the article.

53. Mr. YAÑEZ-BARNUEVO (Spain) recalled that,

when the text of article 100—at that time article 74 *bis*—had been proposed at the 38th meeting of the Committee of the Whole, his delegation had stated the reasons for which the provisions of that article did not seem to it, any more than to a good many other delegations, to be wholly acceptable. However, it considered the idea underlying article 100 praiseworthy, and it thought that the article would be acceptable for most delegations if the text were amended so as to avoid any improper interpretation of it by the host State. It therefore formally proposed certain changes which it had already suggested at the 38th meeting of the Committee of the Whole. In its view, the obligation imposed on the sending State in article 100 should be limited in two ways. First, the obligation to co-operate with the host State should come into play only where such co-operation was necessary, inasmuch as the sponsors of the article had made it clear that in some cases the co-operation of the sending State would not be essential, if the host State was in possession of all the elements necessary for an investigation or prosecution. Secondly, the obligation to co-operate must not be prejudicial to the exercise of the functions of the mission.

54. He therefore proposed that, at the beginning of the article, the words “In respect of such members of its missions, delegations and observer delegations as enjoy privileges and immunities under the present Convention”—which he considered unnecessary as they concerned the persons referred to in the articles cited at the end of the article—should be replaced by the following words: “Whenever necessary and to the extent compatible with the independent exercise of the functions of the mission, the delegation or the observer delegation”.

55. Mr. WERSHOF (Canada) said that the legal systems of a good many host States did not enable them to conduct an investigation or prosecution effectively without the co-operation of the sending State. Article 100 recognized that fact and established the principle that the co-operation of the sending State was to some extent necessary for the conduct of any valid investigation or prosecution. However, there was nothing in the article that would compel representatives of the sending State to testify before a tribunal against the wishes of the sending State. The expression “as fully as possible” gave the sending State every latitude in that respect. That wording already took account of the idea in the proposed Spanish amendment, but he was prepared to vote for that amendment if its adoption could make the text of article 100 more acceptable to certain delegations.

56. Mr. SHELDON (Byelorussian Soviet Socialist Republic) reminded the Conference that the text of article 100, which had been submitted in the Committee of the Whole by the Australian delegation in document A/CONF.67/C.1/L.139, had only been adopted at the 38th meeting by 24 votes to 23, with 18 abstentions. It would therefore be difficult, at the present stage, to seek a compromise solution. His delegation considered article 100 unacceptable and would vote against it, following the example of the Soviet delegation.

57. Mr. MARESCA (Italy) said that article 100 re-

flected a principle which was at the basis of all diplomatic relations: the principle of co-operation between States, which was the *raison d'être* of international organizations. If each mission or delegation were to take refuge behind its immunities and privileges, the protocol services would be unable to function, for they required the constant co-operation of missions and delegations. In his opinion, the amendment proposed by Spain went without saying, and was already implicit in article 100. He would therefore have no difficulty in accepting it, although he did not consider it essential. In any case he would vote for article 100.

58. Sir Vincent EVANS (United Kingdom) said that he failed to see how a sending State could refuse to co-operate with the host State “as fully as possible”.

59. Mr. PINEDA (Venezuela) said he thought the Spanish amendment made the text of article 100 more acceptable.

60. Mr. SMITH (United States of America) said that the provisions of article 100 were not only reasonable, but necessary, if the host State was to meet the obligations imposed on it by the provisions added to the International Law Commission's text in articles 23, 28, 29 and 59. The ILC had not prepared a draft article on the question of co-operation between sending States and host States for the reason that neither had it included in its draft articles any obligation for the host State to conduct investigations or prosecutions.

61. Furthermore, he reminded the Conference that, in its report to the twenty-ninth session of the General Assembly,³ the Committee on Relations with the Host Country had called on the missions of States Members of the United Nations to co-operate “as fully as possible” with the host State with a view to facilitating the course of justice. It should be noted that that provision of the report had been approved by all the members of the Committee in question.

62. Mr. STUART (Australia) observed that his country rarely acted as host to international conferences and that no international organization had its headquarters there. Australia had therefore far more to gain from the future convention as a sending State than as a host State. Nevertheless, he considered that the host State should be assisted in the discharge of its heavy obligations by being accorded the co-operation of the sending State. He was prepared to accept the Spanish amendment if it could facilitate the adoption of article 100.

63. The PRESIDENT put to the vote the Spanish oral amendment.

The result of the vote was 49 in favour and 12 against, with 6 abstentions.

The amendment was adopted, having obtained the required two-thirds majority.

64. The PRESIDENT put to the vote article 100, as amended.

The result of the vote was 57 in favour and 12 against, with 2 abstentions.

³ *Ibid.*, Twenty-ninth Session, Supplement No. 26, para. 88, sub-para. 5.

Article 100, as amended, was adopted, having obtained the required two-thirds majority.

Article 101 (Respect for the laws and regulations of the host State)

65. Mr. MITIĆ (Yugoslavia) requested that paragraph 4 of article 101 should be voted on separately, for the reasons which his delegation had already explained at the 41st meeting of the Committee of the Whole during

the discussion of the article, which at that time was number 75, and, in particular, because of the ambiguity of that paragraph.

66. Mr. MUSEUX (France) recalled that article 101 had given rise to lengthy and complicated discussion in the Committee of the Whole. He therefore moved the adjournment of the debate on that article.

The meeting rose at 5.45 p.m.

11th plenary meeting

Thursday, 13 March 1975, at 11.10 a.m.

President: Mr. SETTE CÂMARA (Brazil).

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)
[Agenda item 11]

CONSIDERATION OF THE TITLES AND TEXTS OF ARTICLES ADOPTED BY THE COMMITTEE OF THE WHOLE (continued) (A/CONF.67/11/Add.5)

Article 101 (Respect for the laws and regulations of the host State) (concluded)

1. The PRESIDENT invited the Conference to continue its consideration of article 101, with regard to which the only outstanding proposal was the request of the Yugoslav delegation for a separate vote on paragraph 4.

2. Mr. ESSY (Ivory Coast) said that the Committee of the Whole had experienced great difficulty with article 101, which was then numbered article 75. The text in document A/CONF.67/11/Add.5 was the result of a compromise which had only been adopted by a narrow majority. In the circumstances, his delegation wished to assist the Conference in making a further effort to bring the opposing views closer to each other and to arrive at an article which would be more generally acceptable.

3. He earnestly hoped that his amendment would avoid the mutilation of the text of the article that would result if a paragraph 4, on which a separate vote had been requested, was not adopted by the Conference. His amendment was to add a paragraph to article 101 which would be numbered 5 and which would read:

"5. The measures provided for in paragraph 4 of this article shall be taken with the approval of the Minister for Foreign Affairs or of any other competent Minister in conformity with the constitutional rules of the host State."

4. Mr. PINEDA (Venezuela) supported the Yugoslav delegation's request for a separate vote on paragraph 4.

5. Mr. ESSY (Ivory Coast), in reply to a question by

Mr. EUSTATHIADES (Greece), explained that the reference in his amendment to "any other competent Minister" under the constitutional law of the host State was merely intended to cover the case of certain States, where the Minister competent in the matter would be, under the relevant constitutional provisions, not the Minister for Foreign Affairs but another Minister.

6. Mr. MARESCA (Italy) said that his delegation whole-heartedly supported the Ivory Coast oral amendment, which had the great merit of bringing out clearly a concept which was *in re ipsa* of the article under discussion. He was firmly of the view that grave measures, such as those envisaged in paragraph 4 of article 101, could not possibly be conceived of otherwise than with the approval of the Minister for Foreign Affairs, or other competent Minister, of the host State, i.e. the organ of that State which was constitutionally responsible for its international relations.

7. Mr. WERSHOF (Canada) formally objected to a separate vote being taken on paragraph 4. The exhaustive debate which had taken place in the Committee of the Whole on what was now article 101 was linked in fact with the earlier debate on article 9. The article now under discussion had been finally adopted, albeit by a narrow majority, with a new paragraph 4 that was intended to afford host States some reasonable protection.

8. The retention of paragraph 4 was absolutely essential if the convention as a whole, which was not in any case very satisfactory as it now stood, was at all likely to prove acceptable to a great many States. As far as his own delegation was concerned, the article would certainly be totally unacceptable without paragraph 4.

9. He welcomed the oral amendment by the Ivory Coast delegation, the adoption of which would make article 101 more acceptable to many delegations. He earnestly hoped that the Conference would reject the proposal that a separate vote should be taken on paragraph 4.

10. Mr. RAOELINA (Madagascar) stressed that any State might one day be a host State. He supported the oral amendment submitted by the Ivory Coast, the adoption of which would improve the article under discussion. The provisions of the new paragraph would