

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

Vienna, Austria
4 February - 14 March 1975

Document:-
A/CONF.67/SR.6

6th plenary meeting

Extract from Volume I of the *Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

6th plenary meeting

Tuesday, 11 March 1975, at 10.50 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

[Agenda item 11]

1. The PRESIDENT expressed his gratitude to the Chairman and Rapporteur of the Committee of the Whole and to the Chairman of the Drafting Committee for their work. He reminded the Conference that it had to conclude its work in time for the Convention and Final Act to be read for signature on the afternoon of Friday 14 March. He therefore proposed that the proceedings should be conducted in accordance with rule 23 of the rules of procedure whereby delegations would confine themselves to one statement not exceeding three minutes, including explanation of vote, on any one article. He also proposed that the Conference should complete its first consideration of the draft articles of the Convention before taking up any draft resolutions submitted to it.

It was so decided.

CONSIDERATION OF THE TITLES AND TEXTS OF ARTICLES ADOPTED BY THE COMMITTEE OF THE WHOLE (A/CONF.67/11 and Add.1)

2. The PRESIDENT suggested that the draft articles should be considered in their numerical sequence.

Article 1 (Use of Terms)

3. The PRESIDENT pointed out that in subparagraph (4) the concluding clause "in which States are members" applied to sub-section (a) as well as (b).

4. He said that, if he heard no objection, he would take it that the Conference could adopt article 1.

Article 1 was adopted.

5. Mr. MUSEUX (France) said that the fact that his delegation had not requested a vote on any of the definitions contained in article 1 should not be construed as approval of them all. In particular, his delegation considered that observer delegations should have been covered by the same provisions as delegations and that the definitions relating exclusively to observer delegations (subparagraphs 24, 25 and 26) should not have appeared in article 1.

Article 2 (Scope of the present Convention)

6. The PRESIDENT observed that paragraph 1 of article 2 was closely related to the final clauses. He therefore suggested that consideration of the article should be postponed to permit alignment of the provisions concerned.

It was so decided.

Article 3 (Relationship between the present Convention and the relevant rules of international organizations or conferences)

Article 4 (Relationship between the present Convention and other international agreements)

Article 5 (Establishment of missions)

Article 6 (Functions of the permanent missions)

7. The PRESIDENT said that if he heard no objection, he would take it that the Conference could adopt articles 3, 4, 5 and 6.

Articles 3, 4, 5 and 6 were adopted.

8. Mr. MARESCA (Italy) said that while he supported article 6, he interpreted one of the functions of the permanent mission as being concerned not only with ensuring the participation of the sending State in the activities of the organization but also with the establishment of certain organs. That, in the view of his delegation, was the main difference between such missions and permanent observer missions.

Article 7 (Functions of the permanent observer mission)

Article 8 (Multiple accreditation or appointment)

9. The PRESIDENT said that if he heard no objection, he would take it that the Conference could adopt articles 7 and 8.

Articles 7 and 8 were adopted.

Article 9 (Appointment of the members of the mission)

10. Mr. WERSHOF (Canada) asked for a vote on article 9.

11. Sir Vincent EVANS (United Kingdom) said that at the meetings of the Committee of the Whole, article 9 had been considered in conjunction with article 75. He proposed that the same procedure should be followed in the plenary Conference.

12. Mr. MUSEUX (France) agreeing with the United Kingdom representative, said that either article 75 could be discussed forthwith in conjunction with article 9, or article 9 could be deferred until the Conference reached article 75.

13. Mr. GOBBI (Argentina) supported by Mr. SYSSOEV (Union of Soviet Socialist Republics), Mr. CALLE Y CALLE (Peru) and Mr. TODOROV (Bulgaria), proposed that an immediate vote should be taken by roll-call on article 9, in accordance with the President's suggestion of dealing with the articles in numerical sequence. There was no reason to consider article 9 jointly with article 75 since the underlying principles of the two articles were not the same.

14. The PRESIDENT pointed out that the text of article 75 was not yet available. If he heard no further

objection, he would take it that delegations could agree to proceed to the vote on article 9.

It was so decided.

At the request of the representative of Argentina, a vote was taken by roll-call.

The German Democratic Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: German Democratic Republic, Guatemala, Holy See, Hungary, India, Iraq, Ivory Coast, Lebanon, Libyan Arab Republic, Madagascar, Mali, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Spain, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yemen, Yugoslavia, Zaire, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Colombia, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador.

Against: Germany (Federal Republic of), Ireland, Israel, Italy, Japan, Netherlands, Norway, Republic of Korea, Switzerland, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Canada, Denmark, France.

Abstaining: Greece, Indonesia, Kuwait, Malaysia, Republic of Viet-Nam, Saudi Arabia, Sweden, Thailand, United Republic of Cameroon, United States of America, Austria, Finland.

The result of the vote was 44 in favour and 15 against, with 12 abstentions.

Article 9 was adopted, having obtained the required two-thirds majority.

15. Mr. GÜNEY (Turkey), explaining his delegation's vote in favour of article 9, said that its interpretation of the sense and scope of that article 9 was that it was in conformity with the provisions of its own constitution that each sending State could freely appoint the members of its mission subject to articles 14 and 72.

16. Mr. HOFFMAN (Federal Republic of Germany) explaining his delegation's vote against article 9, said that in its view the main task of the convention was establishing a balanced relationship between the three parties concerned, namely the sending State, the international organization and the host State. That triangular relationship could not be compared with relationships under previous conventions. It was certainly correct that the members of missions to international organizations were not accredited to the host State and therefore had no direct relations with it under international law; to that extent their status was different from that of members of diplomatic missions. On the other hand, members of permanent missions to international organizations were more or less permanently resident in the territory of the host State, together with their family and in some cases their private domestic staff. Notwithstanding their privileges and immunities, they had to observe the laws and regulations of the host State—a fact which in itself automatically established extensive legal relations with that State. Furthermore,

their considerable privileges and immunities also created special relations with the host State under international law. The relationship between the sending State and the host State should therefore feature more prominently in the convention.

17. Mr. ESSY (Ivory Coast) said that in voting in favour of article 9 his delegation had borne in mind the provisions of article 75.

18. Sir Vincent EVANS (United Kingdom), explaining his delegation's vote against article 9, said that, in themselves, its provisions did not strike the proper balance between the interests of the sending State, the organization and the host State and did not take into account the interests of the host State.

19. Mr. MARESCA (Italy), explaining his delegation's vote against article 9, said that the text adopted gave the impression that the only restrictions on the sending State's freedom of choice were contained in articles 14 and 72; however, article 9 must also be read in conjunction with the articles protecting the interests of the host State and his delegation interpreted it in that sense.

20. Mr. BAJA (Philippines) said that his delegation had found it possible to vote in favour of article 9 by considering its connexion with article 75, which emphasized the tripartite nature of the relationship.

21. Mr. VRANKEN (Belgium) explained that his vote against article 9 was based on the reasons already stated by the representative of the Federal Republic of Germany.

22. Mr. CALLE Y CALLE (Peru), explaining his vote in favour of article 9, said that the freedom of States to appoint their representatives stemmed from the concept of sovereignty. It was sovereign States which established international organizations, so that the concept lay at the very roots of the convention under consideration.

23. Mr. JALICHANDRA (Thailand) said that his abstention from the vote on article 9 was motivated by the fact that the text as adopted made no reference to article 75.

24. Mr. OVERVAD (Denmark) said that he had voted against article 9 not because he was against the principle of the right of free choice by a sending State of the members of its mission but because the article did not formulate that right in its proper context.

25. Mr. GOBBI (Argentina), explaining his delegation's vote for article 9, said that it embodied existing practice. The convention must recognize the right of sending States freely to select their representatives.

26. Mr. SOGBETUN (Nigeria) said that, in voting for article 9, his delegation had considered that the provisions of article 9 were independent of those of article 75.

27. Mr. MUSEUX (France), explaining his vote against article 9, associated himself with the views already expressed by the representatives of the Federal Republic of Germany, the United Kingdom and Denmark.

28. Mr. EUSTATHIADES (Greece) said that his abstention from the vote on article 9 was due to con-

sideration of the wishes which had been expressed by the representatives of France and the United Kingdom, and to the fact that the Conference had not as yet taken a decision on other articles, particularly article 75.

29. Mr. HADDAD (Lebanon) said that he had voted for article 9 for the reasons already given by the representatives of Turkey and Peru.

30. Mr. HELLNERS (Sweden) said that he had abstained from the vote on article 9 not because of the principle underlying it but because he would have liked the Conference to have considered articles 9 and 75 together.

31. Mr. VON NUMERS (Finland) said that he had abstained for the same reason.

32. Mr. ZEMANEK (Austria) said that his abstention had been caused by the uncertainty regarding decisions on other relevant articles and by the Conference's failure to discuss articles 9 and 75 jointly. His delegation might change its position on article 9 when the decision on other articles was known.

33. Mr. SMITH (United States of America) said that he had abstained from the vote on article 9 because it was intimately connected with article 75 and he would have preferred the Conference to have considered them jointly.

Article 10 (Credentials of the head of mission)

Article 11 (Accreditation to organs of the Organization)

Article 12 (Full powers for the conclusion of a treaty with the Organization)

Article 13 (Composition of the mission)

34. The PRESIDENT said that, if he heard no objection, he would take it that the Conference could adopt articles 10, 11, 12 and 13.

Articles 10, 11, 12 and 13 were adopted.

Article 14 (Size of the mission)

35. Mr. WERSHOF (Canada) said that although he would not request a vote on the article, he was not in favour of its wording, which failed to give the host State a voice in determining the size of the mission.

36. Mr. SURENA (United States of America) said that he could support article 14 because it was clearly defined that what was "reasonable and normal" should be determined by the organization, the sending State and the host State.

37. Mr. JALICHANDRA (Thailand) affirmed the views on the subject he had expressed during the discussion on article 14 in the 11th meeting of the Committee of the Whole.

38. The PRESIDENT said that if he heard no objection, he would take it that the Conference could adopt article 14.

Article 14 was adopted.

Article 15 (Notifications)

39. The PRESIDENT said that, if he heard no objections he would take it that the Conference could adopt the article.

Article 15 was adopted.

40. Mr. MUSEUX (France) said that his delegation had not asked for a vote on article 15, but it did not regard the text as satisfactory. Having regard to the use of the word "also" in paragraph 2 in relation to "prior notification", it interpreted paragraph 1 as meaning that all the matters to which it referred should be the subject of prior notification. His Government would not be in a position to grant the privileges and immunities established by the convention under consideration unless it was so notified.

41. Mr. MARESCA (Italy) said that the first two words of paragraph 2 of the article introduced an impossible condition. No State could protect members of missions unless it received prior notification of their arrival. Any representative arriving in his country unannounced would do so at his own risk.

42. Mr. VRANKEN (Belgium) said that his Government would be in a position to grant the privileges and immunities established in the convention under consideration only from the time it was duly notified of the presence of the persons concerned.

43. Mr. RITTER (Switzerland) and Mr. ZEMANEK (Austria) associated themselves with the remarks of the representatives of France, Italy and Belgium.

Article 16 (Acting head of mission)

44. The PRESIDENT said that if he heard no objection, he would take it that the Conference could adopt the article.

Article 16 was adopted.

Article 17 (Precedence)

45. Mr. VRANKEN (Belgium) requested that article 17 should be put to the vote because the rules it embodied were inappropriate.

46. Sir Vincent EVANS (United Kingdom) said that his delegation supported the request made by the representative of Belgium and that it would vote against article 17 because the rules it embodied were unacceptable.

47. Mr. MUSEUX (France) said that his delegation also found that the rules embodied in article 17 were inappropriate and contrary to normal practice, and would therefore vote against that article.

48. The PRESIDENT put article 17 to the vote.

The result of the vote was 43 in favour and 19 against, with 8 abstentions.

Article 17 was adopted, having obtained the required two-thirds majority.

49. Mr. SMITH (United States of America), speaking in explanation of vote, said that his delegation had voted against article 17 because it agreed with the representatives of Belgium, the United Kingdom and France that the rules it embodied were inappropriate.

50. Mr. BARAKAT (Yemen), speaking in explanation of vote, said that his delegation had abstained from voting on article 17 because the name of his country began with the letter "Y".

Article 18 (Location of the mission)

51. The PRESIDENT said that, if he heard no objection, he would take it that the Conference agreed to adopt article 18.

Article 18 was adopted.

52. Mr. YAÑEZ-BARNUEVO (Spain) said that his delegation understood that article 18, as adopted, did not change the current situation. Thus, sending States could establish missions in the locality where the organization had its seat and also in other localities, such as that of the European Office of the United Nations and the localities of the headquarters of the United Nations regional economic commissions.

53. Mr. GOBBI (Argentina) said that his delegation agreed with the interpretation of article 18 given by the representative of Spain. Moreover, that was the interpretation which had prevailed in the Committee of the Whole and which had been given by the Expert Consultant.

54. Mr. DE ROSENZWEIG-DIAZ (Mexico) said that his delegation agreed with the representatives of Spain and Argentina concerning the interpretation of article 18.

*Article 19 (Use of flag and emblem)**Article 20 (General facilities)**Article 21 (Premises and accommodation)**Article 22 (Assistance by the Organization in respect of privileges and immunities)*

55. The PRESIDENT said that, if he heard no objection, he would take it that the Conference agreed to adopt articles 19, 20, 21 and 22.

Articles 19, 20, 21 and 22 were adopted.

Article 23 (Inviolability of premises)

56. Mr. KUZNETSOV (Union of Soviet Socialist Republics) requested that a separate vote should be taken on the third sentence of paragraph 1, beginning with the words "the consent", because his Government considered that the status of the premises of the mission should be the same as the status of the premises of embassies, that the premises of the mission should be absolutely inviolable and that the authorities of the host State could not enter them without the consent of the head of mission. In the exceptional circumstances of fire or other disaster seriously endangering public safety, missions, including missions established by his country, would, if they could not cope with the situation themselves, obviously request the assistance of the authorities of the host State.

57. Mr. WERSHOF (Canada) said that three previous votes had been taken on the sentence in question during the discussions of the Committee of the Whole on articles 23, 54 and N and that, each time, it had been adopted because most delegations had been of the opinion that public safety should not be endangered. He therefore appealed to the delegations which had been of that opinion to vote against the motion for division proposed by the Soviet Union and pointed

out that, if the sentence in question was deleted, the wording of article 23 would be even less desirable than that of the International Law Commission's text, and his delegation would have to vote against article 23 as a whole, as amended by that deletion.

58. The PRESIDENT said that, in accordance with rule 40 of the rules of procedure, he would put to the vote the motion for division proposed by the representative of the Soviet Union.

The motion was adopted by 34 votes to 23, with 14 abstentions.

59. The PRESIDENT put to the vote the third sentence of paragraph 1 of article 23.

The result of the vote was 26 in favour and 28 against, with 16 abstentions.

The third sentence of paragraph 1 of article 23 was not adopted, having failed to obtain the required two-thirds majority.

60. The PRESIDENT put to the vote article 23 as a whole, as amended.

The result of the vote was 38 in favour and 19 against, with 11 abstentions.

Article 23 as a whole, as amended, was adopted, having obtained the required two-thirds majority.

*Article 24 (Exemption of the premises from taxation)**Article 25 (Inviolability of archives and documents)*

61. The PRESIDENT said that, if he heard no objection, he would take it that the Conference could adopt articles 24 and 25.

Articles 24 and 25 were adopted.

Article 26 (Freedom of movement)

62. Mr. WERSHOF (Canada) requested that article 26 should be put to the vote. His delegation would abstain from the vote not because it did not welcome travel in Canada, but because it was not appropriate for the proposed convention to provide that members of missions should be guaranteed freedom of movement in all parts of the territory of the host State in view of the fact that members of permanent missions were accredited only to the organization, not to the host State. There was therefore no functional reason to establish a principle of international law that the members of missions should be guaranteed freedom of movement in all parts of the territory of the host State.

63. The PRESIDENT put article 26 to the vote.

The result of the vote was 54 in favour and none against, with 15 abstentions.

Article 26 was adopted, having obtained the required two-thirds majority.

64. Mr. MUSEUX (France), speaking in explanation of vote, said that his delegation had abstained from the vote on article 26 for the reasons given by the representative of Canada. His Government was not opposed to freedom of movement for members of missions, but considered that the wording of article 26,

as adopted, did not relate to the performance of the functions of the permanent mission.

65. Mr. SMITH (United States of America), speaking in explanation of vote, said that his delegation had abstained from the vote on article 26 for the reasons given by the representative of Canada.

Article 27 (Freedom of communication)

66. Mr. PINEDA (Venezuela) said that, in accordance with rule 40 of the rules of procedure, his delegation requested that a separate vote should be taken on the second and third sentences of paragraph 3, beginning with the word "However".

67. Mr. CALLE Y CALLE (Peru), after supporting the request made by the representative of Venezuela, added that his delegation requested that the vote should be taken by roll-call. His delegation and many others were of the opinion that, in accordance with the rule of international law embodied in article 27, paragraph 3, of the 1961 Vienna Convention on Diplomatic Relations¹ the bag of the mission should have the same guarantees as the bag of a diplomatic mission. Since the second and third sentences of paragraph 3 limited the inviolability of the bag of the mission and the freedom of communication of the members of the mission, they should be deleted.

68. Sir Vincent EVANS (United Kingdom) said that his delegation was opposed to a separate vote on the second and third sentences of paragraph 3 which the Committee of the Whole had included on the proposal of the Kuwait delegation, supported by his own delegation. Unfortunately, abuses of the bag did occur and the provisions in question provided a reasonable procedure based on precedent. They ensured that the interests of host and sending States alike would be safeguarded.

69. The PRESIDENT put to the vote the motion for division proposed by the representative of Venezuela and supported by the representative of Peru.

The motion was adopted by 33 votes to 22, with 15 abstentions.

70. Mr. SYSSOEV (Union of Soviet Socialist Republics), speaking in explanation of vote before the vote in accordance with rule 39 of the rules of procedure, said that, as it now stood, article 27 did not correspond to article 58 and that his delegation would vote against the retention of the two final sentences of paragraph 3 in order to ensure the inviolability of the bag of the mission.

71. The PRESIDENT put to the vote the second and third sentences of paragraph 3.

At the request of the representative of Peru, the vote was taken by roll-call.

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

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

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

Abstaining: Ivory Coast, Japan, Morocco, Niger, Nigeria, Philippines, Qatar, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Republic of Cameroon, Yemen, Finland, Holy See, India.

The result of the vote was 26 in favour and 31 against, with 16 abstentions.

The second and third sentences of paragraph 3 of article 27 were not adopted, having failed to obtain the required two-thirds majority.

72. The PRESIDENT put to the vote article 27 as a whole, as amended.

The result of the vote was 43 in favour and 6 against, with 22 abstentions.

Article 27 as a whole, as amended, was adopted, having obtained the required two-thirds majority.

73. Mr. VRANKEN (Belgium), speaking in explanation of vote, said that his delegation had voted against article 27 as a whole, as amended, because the balance of the text had been destroyed by the deletion of the second and third sentences of paragraph 3. Moreover, if the Conference went on to destroy the balance of other articles of the proposed convention, his country, which was a host State, might not be able to accept the proposed convention.

74. Mr. EUSTATHIADES (Greece), speaking in explanation of vote, said that his delegation had voted in favour of the second and third sentences of paragraph 3 and had abstained from voting on article 27 as a whole, as amended. It shared the concerns expressed by the representatives of Belgium with regard to the results of certain votes, such as the one taken on article 27, because those results might prevent some States whose co-operation was valuable, from accepting the proposed convention.

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

The meeting rose at 1 p.m.