

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

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**7th plenary meeting**

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## 7th plenary meeting

Tuesday, 11 March 1975, at 3.25 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 and Add.2 and 3)

*Article 28 (Personal inviolability)*

1. Mr. WERSHOF (Canada), while not requesting a vote on article 28, said that if it were put to the vote his delegation would be unable to support it. His delegation was in favour of the text prepared by the International Law Commission and, although strongly disapproving of attacks on the dignity of the persons referred to in article 28, could not subscribe to the idea of prosecuting and punishing the persons who committed such attacks. It was a fact that persons who played a role in public life were constantly exposed to attacks on their dignity, but in his country there was no law on the question which sanctioned the prosecution and punishment of the persons responsible for those attacks. His Government deplored that situation, but on account of its juridical system, it was impossible for it to commit itself to take the steps envisaged in article 28. He therefore urged that that provision and similar provisions in other articles should be modified in such a way that the host State would be able to apply them.

2. Mr. PINEDA (Venezuela), while likewise not requesting that a vote be taken on the clause to which the Canadian representative had referred, pointed out that the adoption of that provision would create difficulties for his Government. For constitutional reasons, and in view of the existence of certain international instruments concerning the right of asylum, his delegation would abstain if article 28 were put to the vote.

3. Mr. TAKEUCHI (Japan) and Mr. SURENA (United States of America) said they shared the views expressed by the Canadian representative.

4. Mr. DE ROSENZWEIG-DÍAZ (Mexico) said that he subscribed to the principle set forth in article 28, but he considered that the third sentence of that article was inappropriate and served no purpose; it added nothing to international law and could not exert any influence on the national legislation of States. He also regretted to see the same provision embodied in articles 59 and M.

5. Mr. MARESCA (Italy) thought it necessary to bear in mind the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the

General Assembly in 1973 (resolution 3166 (XXVIII)), the existence of which obviated the need for the last clause in article 28.

6. Sir Vincent EVANS (United Kingdom) said that his delegation associated itself with the Canadian and United States delegations and that it would interpret the clause "and to prosecute and punish persons who have committed such attacks" in the light of the Convention of 1973, to which the Italian representative had referred.

7. The PRESIDENT said that if he heard no objection, he would take it that the Conference could adopt article 28.

*Article 28 was adopted.*

*Article 29 (Inviolability of residence and property)*

8. The PRESIDENT said that if he heard no objection, he would take it that the Conference could adopt article 29.

*Article 29 was adopted.*

*Article 30 (Immunity from jurisdiction)*

9. Mr. DO NASCIMENTO E SILVA (Brazil), invoking rule 40 of the rules of procedure, requested a separate vote on paragraph 1(d) of article 30. His delegation had already had occasion to express its regrets at the rejection, by the Committee of the Whole, of the International Law Commission's text, which rightly mentioned the question of insurance.

10. The new provision contained in paragraph 1(d) of article 30 made members of the diplomatic staff of the mission under-privileged persons. His delegation therefore considered that clause entirely unacceptable.

11. Mr. HAQ (Pakistan) said he supported the motion for division submitted by the Brazilian delegation because, as worded at present, paragraph 1(d) was a dangerous provision which was liable to be wrongly used. Moreover, that question had twice been brought to the attention of the Committee of the Whole at the time of its consideration of article 30 and articles 61 and O.

12. Mr. KHASHBAT (Mongolia) supported the motion for division presented by Brazil, since the present formula was far from being as good as the provision prepared by the International Law Commission, which itself was not perfect.

13. Sir Vincent EVANS (United Kingdom) said that he was strongly opposed to paragraph 1(d) of article 30 being put to a separate vote, as his delegation regarded that provision as an essential qualification of immunity from civil and administrative jurisdiction. It in no way limited immunity from the criminal jurisdiction of the host State and related only to immunity from its administrative and civil jurisdiction. That qualification had been included in order to protect the

innocent victims of motor-car accidents. If it were deleted, the victims of an accident would have considerable difficulty in asserting their claims, as insurance companies would be able to take refuge behind the immunity of the person responsible for the accident. His delegation therefore considered that it would be unacceptable to delete subparagraph (d), which was an integral part of paragraph 1 of article 30, and proposed that the Conference should vote either on the paragraph as a whole or on article 30 itself.

14. Mr. MARESCA (Italy) said that the adoption of paragraph 1 (d) of article 30 represented a step forward in the codification of international law. In 1961, the United Nations Conference on Diplomatic Relations and Immunities in the Convention which it adopted,<sup>1</sup> had been content to adopt a recommendation to States, but the Vienna Convention on Consular Relations<sup>2</sup> of 1963 and the Convention on Special Missions<sup>3</sup> contained an express rule on the subject. If the Conference deleted subparagraph (d), it would have moved backwards, and would create great difficulties for the host State.

15. Mr. DO NASCIMENTO E SILVA (Brazil), replying to the United Kingdom representative's argument according to which, if subparagraph (d) of paragraph 1 of article 30 were not included in the future convention, insurance companies might take advantage of the immunities of a person responsible for an accident, said that it was not for the Conference to take account of the particular features of all juridical systems. While it was true that in 1961 the Conference on Diplomatic Relations had adopted a mere recommendation, the 1963 Convention contained an article which was worded in a similar manner to the one prepared by the International Law Commission and not a provision as drastic as the one before the Conference.

16. He recalled that the Committee of the Whole had adopted article 75 bis, according to which the members of the mission, of the delegation or of the observer delegation were required to comply with all obligations under the laws and regulations of the host State relating to third-party liability insurance for any vehicle, vessel or aircraft used or owned by them. He considered that the presence of that provision in the future convention sufficed to dispel any doubts that might be entertained on that subject.

17. Mr. GOBBI (Argentina) said that his delegation had voted in the Committee of the Whole for paragraph 1 (d) of article 30 but that since then, the adoption of article 75 bis had changed the situation. His delegation therefore endorsed the opinion expressed by the Brazilian representative.

18. Mr. SURENA (United States of America) said that he had considerable difficulty in understanding the argument, put forward by the Brazilian representative, that the adoption of paragraph 1 (d) of article 30 would make members of missions under-privileged persons. His delegation considered that the Conference

had been convened precisely to formulate provisions of that type which, moreover, already appeared in various instruments and had contributed to the progressive development of international law. While he agreed with the Argentinian and Brazilian representatives that article 75 bis was extremely useful, he thought it advisable to be realistic and to provide for the case, which would arise in numerous countries, where the insurance companies of members of missions enjoying immunity from civil and administrative jurisdiction would be able to take advantage of that immunity. Consequently, neither the retention of subparagraph (d), nor the retention of article 75 bis would create any difficulty for members of missions, provided that they had taken out the necessary insurance. Moreover, the innocent victims of an accident would thus obtain the damages to which they were entitled.

19. The PRESIDENT put to the vote the motion, submitted by the Brazilian delegation, that paragraph 1 (d) of article 30 should be voted on separately.

*The motion was adopted by 35 votes to 19, with 13 abstentions.*

20. The PRESIDENT put to the vote paragraph 1 (d) of article 30.

*The result of the vote was 33 in favour and 21 against with 9 abstentions.*

*The subparagraph was not adopted, having failed to obtain the required two-thirds majority.*

21. The PRESIDENT put to the vote article 30 as a whole, as amended.

*The result of the vote was 43 in favour and 12 against, with 11 abstentions.*

*Article 30 as a whole, as amended, was adopted, having obtained the required two-thirds majority.*

*Article 31 (Waiver of immunity)*

22. Mr. PREDA (Romania) requested that the second sentence of paragraph 1 of article 31 should be voted on separately. From a juridical point of view it did not seem appropriate that that provision should appear in article 31, any more than in articles 62 and P. He proposed that it should be included in the preamble, as the Drafting Committee had done in the draft preamble it had submitted.

23. The PRESIDENT said that the draft preamble would be submitted to the Conference later.

24. Mr. HIRAOKA (Japan) said he could not subscribe to the view expressed by the Romanian representative and was strongly opposed to the sentence in question being put to the vote separately. Most members of the Committee of the Whole had expressed themselves in favour of adopting that provision, which should therefore be maintained. If it were deleted from article 31 and placed in the preamble it would lose a large part of its juridical value, since the preambular provisions were not on the same level, juridically speaking, as the substantive provisions.

25. Mr. AL-ADHANI (Iraq) supported the proposal by the Romanian delegation and agreed that the right place for the second sentence of paragraph 1 was in the preamble.

<sup>1</sup> United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

<sup>2</sup> *Ibid.*, vol. 596, No. 8368, p. 261.

<sup>3</sup> General Assembly resolution 2530 XXIV, annex.

26. Mr. GOBBI (Argentina) also endorsed the view expressed by the Romanian representative. The principle stated in that sentence was right in itself and his delegation had no objection to it. Nevertheless, it appeared in various parts of the Convention and also in the preamble, together with a reference to the provisions of Article 105 of the Charter of the United Nations. As it stood, the second sentence of paragraph 1 of article 31 was in the nature of a recommendation and was not suited to the operative part of a convention. Consequently, the repetition of that clause was pointless and excessive and gave the impression of a certain imbalance, to the detriment of the sending State.

27. Mr. WERSHOF (Canada) said that his delegation was opposed to a separate vote on the second sentence of paragraph 1 of article 31. That sentence should be maintained in the article, even if it were decided later to include it also in the preamble of the draft convention. It had been adopted at the 20th meeting of the Committee of the Whole by 44 votes to 1, with 17 abstentions, after a long discussion in which arguments identical with those of the Romanian representative had already been put forward. Since that clause contained an important idea, it could be included both in the preamble of the draft and in the article.

28. The PRESIDENT put to the vote the motion for division on the second sentence of paragraph 1 of article 31.

*The motion was adopted by 30 votes to 23, with 14 abstentions.*

29. The PRESIDENT put to the vote the second sentence of paragraph 1 of article 31.

*The result of the vote was 26 in favour and 30 against, with 12 abstentions.*

*The sentence was not adopted, having failed to obtain the required two-thirds majority.*

30. The PRESIDENT put to the vote article 31 as a whole, as amended.

*The result of the vote was 44 in favour and 1 against, with 14 abstentions.*

*Article 31 as a whole, as amended, was adopted, having obtained the required two-thirds majority.*

31. Mr. WARNOCK (Ireland) said that his delegation had voted for the retention of the second sentence of paragraph 1 of article 31 and had therefore abstained in the vote on the article as a whole, since the second sentence was no longer in it.

32. Mr. ZEMANEK (Austria) said that his delegation had likewise been in favour of retaining the sentence in question. In fact, any lawyer accustomed to using *a contrario* reasoning would be able to deduce from the present text of article 31 that privileges and immunities could be accorded to individuals for their personal benefit.

33. Mr. PINEDA (Venezuela) said that his delegation had voted in favour of the deletion of the second sentence of paragraph 1 of article 31, not because it had been opposed to the idea expressed therein, but in the interests of simplification. The Venezuelan delega-

tion considered, moreover, that the correct place for a provision of that kind would have been the preamble.

34. Mr. MARESCA (Italy) said that his delegation had voted against the motion for division on the second sentence of paragraph 1 of article 31 for two reasons: first, that passage formed part of a whole which had to meet certain requirements of balance and harmony and, secondly, mutilation of the draft convention should not be brought about through too frequent recourse to voting. Consequently, the Italian delegation would have liked the controversial sentence to be retained, all the more so in that if it were included as a broad principle in the preamble of the draft and as a rule in the articles, it would play a different role in the two contexts. Article 31 had therefore been weakened and a backward step had been taken in relation to the major international conventions adopted earlier.

35. Mr. DE ROSENZWEIG-DÍAZ (Mexico) said that his delegation approved the principle contained in the second sentence of paragraph 1 of article 31 and that, in 1961, it had even proposed that an identical principle should be written into the Vienna Convention on Diplomatic Relations. However, it had voted for the deletion of that sentence because it considered that, since the principle in question was applicable to the convention as a whole, too frequent repetition in the articles was diminishing its scope.

36. Mr. DO NASCIMENTO E SILVA (Brazil) said that his delegation had likewise voted for the deletion of the sentence in question for the same reasons as those given by the representative of Mexico. Moreover, it should be remembered that the preamble of the draft convention mentioned Article 105 of the Charter of the United Nations, in accordance with which representatives of the Members of the United Nations and officials of the Organization alike enjoyed such privileges and immunities as were necessary for the independent exercise of their functions in connexion with the Organization. It was therefore unnecessary to include such a provision in article 31.

*Article 32 (Exemption from social security legislation)*

*Article 32 was adopted.*

*Article 33 (Exemption from dues and taxes)*

37. Mr. MUSEUX (France) requested a separate vote on the words "with respect to immovable property" in subparagraph (f) of article 33. Some movable property which was the subject of transactions, in particular at public auctions, could not be exempted from registration fees in France.

38. The PRESIDENT put to the vote the words "with respect to immovable property".

*The result of the vote was 34 in favour and 11 against, with 23 abstentions.*

*The words were retained, having obtained the required two-thirds majority.*

39. The PRESIDENT put to the vote article 33 as a whole.

*The result of the vote was 65 in favour and 1 against, with 3 abstentions.*

*Article 33 as a whole was adopted, having obtained the required two-thirds majority.*

40. Mr. VRANKEN (Belgium) said that his delegation had voted in favour of article 33, but it interpreted subparagraph (a) as meaning that it was for the host State to say, in accordance with its legislation, what indirect taxes were normally incorporated in the price of goods or services.

41. Mr. TAKEUCHI (Japan) said that his delegation, which had voted for article 33, reiterated its position on the matters dealt with in that article, which it had explained at the 20th meeting of the Committee of the Whole.

*Article 34 (Exemption from personal services)*

*Article 35 (Exemption from customs duties and inspections)*

*Articles 34 and 35 were adopted.*

*Article 36 (Privileges and immunities of other persons)*

42. Mr. SMITH (United States of America) requested a separate vote on paragraph 2 of article 36.  
43. The PRESIDENT put to the vote paragraph 2 of article 36.

*The result of the vote was 47 in favour and 2 against, with 16 abstentions.*

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

44. The PRESIDENT put to the vote article 36 as a whole.

*The result of the vote was 64 in favour and 1 against, with 5 abstentions.*

*Article 36 as a whole was adopted, having obtained the required two-thirds majority.*

45. Mr. SMITH (United States of America) said that his delegation had voted against paragraph 2 of article 36 and against the article as a whole; it considered that the article extended the privileges and immunities provided for in the draft convention to too great a number of persons and that the bounds of what was necessary for the performance of the functions of the mission were being exceeded.

*Article 37 (Nationals and permanent residents of the host State)*

*Article 37 was adopted.*

*Article 38 (Duration of privileges and immunities)*

46. Mr. RAOELINA (Madagascar) observed that there was no article 38 in the French version of document A/CONF.67/11/Add.2.

47. The PRESIDENT said that as a result, the decision of the Conference on article 38 would be postponed until later.

*Article 39 (Professional or commercial activity)*

*Article 40 (End of functions)*

*Article 41 (Protection of premises, property and archives)*

*Articles 39, 40 and 41 were adopted.*

### TITLE OF PART III

(Delegations to organs and to conferences)

*The title of part III was adopted.*

*Article 42 (Sending of delegations)*

48. Mr. WERSHOF (Canada) said that he was against paragraph 2 of article 42, since the inclusion of that provision, which had not been recommended by the International Law Commission, encouraged an undesirable practice which was against the interests of the international community.

*Article 42 was adopted.*

*Article 43 (Appointment of the members of the delegation)*

49. Mr. WERSHOF (Canada) requested that article 43 should be put to the vote. He would vote against the article, which took no account of the interests of the host State.

50. Sir Vincent EVANS (United Kingdom) said that he, too, would vote against article 43 for the same reason.

51. The PRESIDENT put to the vote article 43.

*The result of the vote was 48 in favour and 16 against, with 6 abstentions.*

*Article 43 was adopted, having obtained the required two-thirds majority.*

52. Mr. GÜNEY (Turkey) said that he had voted in favour of article 43, adding that the statement made by his delegation in the 6th meeting in explanation of its vote on article 9 was equally valid for article 43.

53. Mr. KWON (Republic of Korea) said that he had voted against article 43, in the same way that he had voted against article 9, because he considered that, in the interests of equity, account should be taken of the rights and interests of both the host State and the sending State.

*Article 44 (Credentials of delegates)*

*Article 45 (Composition of the delegation)*

*Article 46 (Size of the delegation)*

*Articles 44, 45 and 46 were adopted.*

*Article 47 (Notifications)*

54. Mr. MUSEUX (France) said that he would not ask for a vote on article 47 although he did not consider it satisfactory. The statement he had made at the previous meeting on the subject of article 15 applied *mutatis mutandis* to article 47.

55. Mr. MARESCA (Italy) said that the statement he had made at the previous meeting with regard to the first phrase in paragraph 2 of article 15 fully applied to the first phrase in paragraph 2 of article 47.

*Article 47 was adopted.*

*Article 48 (Acting head of delegation)*

*Article 48 was adopted.*

*Article 49 (Precedence)*

56. Mr. VRANKEN (Belgium) said he considered that article 49 had as little meaning as article 17.

57. Mr. SURENA (United States of America) said he thought that article 49 did not reflect current practice and that it established a criterion which was difficult to apply in practice. He therefore requested that article 49 should be put to the vote; he would vote against it.

58. The PRESIDENT put to the vote article 49.

*The result of the vote was 44 in favour and 19 against, with 9 abstentions.*

*Article 49 was adopted, having obtained the required two-thirds majority.*

59. Mr. PINEDA (Venezuela) said he had not opposed article 49, but he would have liked it to contain a paragraph providing the possibility of referring, for etiquette and protocol, to the date and time of submission of credentials. He regretted that his proposal had not been adopted.

60. Mr. BARAKAT (Yemen) said that he had abstained in the vote on article 49.

61. Mr. CALLE Y CALLE (Peru) said he had voted in favour of article 49 because the article did not establish a rigid rule and was without prejudice to the rules of procedure of new organizations or conferences which might provide for a different procedure. Moreover, the letter selected as the starting point need not necessarily be the first letter of the alphabet, but could be drawn by lot.

*Article 50 (Status of the Head of State and persons of high rank)*

*Article 51 (General facilities)*

*Article 52 (Premises and accommodation)*

*Article 53 (Assistance in respect of privileges and immunities)*

*Articles 50, 51, 52 and 53 were adopted.*

*Article 54 (Inviolability of premises)*

62. Mr. KUZNETSOV (Union of Soviet Socialist Republics) requested a separate vote on the third sentence of paragraph 1 of article 54. Since the article did not deal with hotels, but with the premises of the delegation, and taking into account the definition of the premises of the delegation given in subparagraph 33 of article 1, there should be total inviolability of such premises. He reminded members of the Conference that when the socialist countries' amendment for the deletion of the third sentence of paragraph 1 of article 54 (A/CONF.67/C.1/L.80) had been put to the vote at the Committee of the Whole (26th session) 25 delegations had voted for that amendment, 26 had voted against and 30 had abstained. In his opinion, the deletion of that sentence would be decisive with regard to the status of the premises of the delegation.

63. Mr. WERSHOF (Canada) objected to the motion for division submitted by the Soviet Union delegation. He considered that the arguments militating in favour of the retention of the third sentence of paragraph 1 of article 54 were even stronger than those that had been put forward in the case of article 23, concerning the inviolability of the premises of the mission. He reminded the Conference that although the amendment

of the socialist countries to paragraph 1 of article 54 had in fact been rejected by 26 votes to 25, with 30 abstentions, the amendment by the United States of America providing for replacing the original text of the third sentence of the paragraph 1 by the present text (A/CONF.67/C.1/L.81) had been adopted by 30 votes to 19 with 17 abstentions. The arguments put forward in the Committee of the Whole in support of that amendment remained valid. Even if it was true that the premises of the delegation were defined in subparagraph 33 of article 1, it was equally true that the delegates to conferences were generally accommodated in hotels. Moreover, by virtue of article 60 and article 67, the provisions of article 54 concerning the inviolability of the premises did not only apply to the premises of the delegation but to the private accommodation—generally an hotel—of the members of the delegation and of all members of the staff of the delegation, including the administrative and technical staff. He therefore strongly opposed a separate vote being taken on the third sentence of article 54, paragraph 1. If that sentence were deleted, his delegation would vote against article 54, because it could not admit, so far as Canada was concerned, that the host State could take no protective steps in the event of a fire or other disaster seriously endangering public safety.

64. Mr. YAÑEZ-BARNUEVO (Spain) said that in the light of the arguments put forward, he would vote for the retention of the third sentence of article 54, paragraph 1; he would have preferred the International Law Commission's text.

*The motion for division submitted by the Soviet Union was adopted by 30 votes to 26, with 12 abstentions.*

65. The PRESIDENT put to the vote the third sentence of paragraph 1 of article 54.

*The result of the vote was 29 in favour and 21 against, with 16 abstentions.*

*The sentence was not adopted, having failed to obtain the required two-thirds majority.*

66. The PRESIDENT put to the vote article 54 as a whole, as amended.

*The result of the vote was 36 in favour and 24 against, with 9 abstentions.*

*Article 54 as amended, was not adopted, having failed to gain the required two-thirds majority.*

67. Mr. ABDALLAH (Tunisia) said he had voted for article 54.

*Article 55 (Exemption of the premises from taxation)*

*Article 56 (Inviolability of archives and documents)*

*Article 57 (Freedom of movement)*

*Articles 55, 56 and 57 were adopted.*

*Article 58 (Freedom of communication)*

68. Mr. MUSEUX (France) said he thought it was not really necessary that delegations to organs or to conferences should be able to use a bag under the conditions provided for by the Vienna Convention on Diplomatic Relations for diplomatic missions. Generally,

the members of a delegation did not require a bag and, if they did, such a bag was unimportant, as they had only to receive instructions from their governments and report on the work of the organ or the conference in question. Although it was true that article 27, as it had been drafted before being put to the vote, could have given rise to fears that a mission's bag might be detained by the host State when the latter suspected that it contained articles other than those intended for the official use of the mission, those fears were much slighter in the case of article 58. Consequently, article 58 should contain a provision similar to the one that had been the second sentence of paragraph 3 of article 27. In practice, the delegations to organs and conferences, much more than the permanent missions, were the ones that were guilty of abuses of the bag. It was therefore in the interests of the host State that it should be able to protect itself against such abuses. The French delegation therefore requested that article 58 should be put to the vote; it would vote against the article.

69. The PRESIDENT put to the vote article 58.

*The result of the vote was 46 in favour and 11 against, with 15 abstentions.*

*Article 58 was adopted, having obtained the required two-thirds majority.*

70. Mr. VRANKEN (Belgium) said that he had voted against article 58 solely on account of paragraph 4 of that provision. In his view, the delegation should be placed in the same situation as the consular post.

*Article 59 (Personal inviolability)*

71. Mr. WERSHOFF (Canada) said that he would refrain from requesting that article 59 be put to the vote, in the same way that he had refrained from asking for a vote on article 28. If, however, article 59 were put to the vote, his delegation could not accept it, since, according to Canadian law, it was not possible to prosecute and punish persons who had committed the attacks referred to in that provision.

72. Mr. SURENA (United States of America) was of the opinion that article 59 would have the effect of extending the privileges and immunities beyond what was required by Article 105 of the Charter of the United Nations. He therefore requested that a vote be taken on the article under consideration and he stated that he would vote against that provision.

73. Mr. TAKEUCHI (Japan) endorsed the opinions expressed by the representative of Canada.

74. Sir Vincent EVANS (United Kingdom) said that he also would vote against article 59 because, on the one hand, the head of delegation and the other delegates and members of the diplomatic staff of the delegation only enjoyed, according to existing practice, immunity from arrest or detention, and, on the other hand, the question of the prosecution and punishment of the persons who had committed the attacks referred to in article 59 was better regulated in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.<sup>4</sup> For those reasons the United Kingdom delegation was opposed to the last phrase of article 59.

75. The PRESIDENT put to the vote article 59.

*The result of the vote was 44 in favour and 11 against, with 16 abstentions.*

*Article 59 was adopted, having obtained the required two-thirds majority.*

76. Mr. ZEMANEK (Austria), supported by Mr. HELLNERS (Sweden), explained that his delegation had abstained in the vote on article 59 more especially on account of the presence of the words "inter alia". These words did not appear in article 28 and there was no reason why the two provisions should be worded differently.

77. Mr. PINEDA (Venezuela) said that he had abstained in the vote on article 59 for the same reasons as those which had led his delegation to abstain in the vote on article 28.

*Article 60 (Inviolability of private accommodation and property)*

78. Mr. ZEMANEK (Austria) said that under the provisions of article 60, paragraph 1, the private accommodation of the head of the delegation and of other delegates and members of the diplomatic staff of the delegation enjoyed "the same inviolability and protection as the premises of the delegation". As the Conference had not adopted article 54 relating to the inviolability of the premises of the delegation, discussion on article 60 should be adjourned until a solution was found for article 54.

79. Mr. DO NASCIMENTO E SILVA (Brazil) said that he had intended requesting a separate vote on the word "same" before the word "inviolability" and on the words "and [the same] protection as the premises of the delegation" appearing on paragraph 1. However, he thought that the proposal by the representative of Austria was better.

80. Mr. KUZNETSOV (Union of Soviet Socialist Republics) said he regretted that, by voting against article 54, the Conference had caused an excellent provision of the draft to disappear. Article 60 would now have to be modified as a result, so as to preserve at least the small amount of protection provided for private accommodation and property. In the English version, and in the other language versions where such a change could be made, the word "same" in paragraph 1 of article 60 should be replaced by "such".

81. Mr. MUSEUX (France) said he did not think that paragraph 1 of article 60 would have to be put to the vote since it accorded private accommodation and property the same protection and inviolability as had been provided for the premises of the delegation. As the Conference had not considered that it had to accord inviolability that had been provided for to the premises of the delegation, it was simply a question of making a drafting change to article 60. Accordingly, it would be advisable to refer the provision to the Drafting Committee, after possibly voting on paragraph 2.

82. Mr. GOBBI (Argentina) said that he was in favour of the separate vote that the representative of Brazil had contemplated requesting, and that he was unable to share the view of the representative of France.

<sup>4</sup> General Assembly Resolution 3166 (XXVII), annex.

An attempt should in fact be made to fill the gap resulting from the disappearance of article 54.

83. Mr. AVAKOV (Union of Soviet Socialist Republics) proposed that the words "the same" before "inviolability" and "as the premises of the delegation" at the end of paragraph 1 of article 60 should be deleted.

84. Mr. BARAKAT (Yemen) said he considered that the future convention would be incomplete if article 60 were to be drafted as though article 54 did not exist.

85. Mr. YAÑEZ-BARNUEVO (Spain) reminded the Conference that the representative of Austria had proposed adjourning the discussion on article 60, which seemed to be a wise proposal.

86. Sir Vincent EVANS (United Kingdom) reminded the Conference that his delegation had voted against article 54 because the provision concerning measures to be taken in the event of fire or other disaster had been deleted. Even if article 54 had been adopted in the form in which it had been submitted by the Committee of the Whole, the United Kingdom delegation would have been opposed to retaining paragraph 1 of article 60. The private accommodation of members of delegations usually consisted of hotel rooms. In the opinion of the United Kingdom delegation, neither existing practice nor consideration of functional need justified granting the inviolability provided for in paragraph 1 of article 60, and to do so would give rise to practical difficulties.

87. That was why, quite independently of what happened to article 54, he was against article 60.

88. Mr. SURENA (United States of America) said that his delegation would have voted against paragraph 1 of article 60 even if article 54, in the form adopted by the Committee of the Whole, had been adopted by the Conference. As the International Law Commission had observed in its commentary, the private accommodation contemplated in article 60 generally consisted of hotel rooms. According to other provisions, and in particular article 67, the provisions of article 60 would be extended to the private accommodation of administrative and technical staff, which could constitute far too broad an extension of the notion of the inviolability of hotel rooms.

89. When the representative of the Soviet Union had requested a separate vote on article 54, he had said that the premises of the delegation would not, in his opinion, include hotel rooms and that such premises could, consequently, be inviolable. As article 60 mainly contemplated hotel rooms, the Soviet Union representative should logically admit that the latter ought not to be considered as inviolable.

90. The United States delegation considered, like the French delegation, that paragraph 1 of article 60 entailed a general question of drafting. The Conference had already taken several contradictory decisions and it would take a further one if it were to decide not to delete paragraph 1 of article 60.

*The meeting rose at 6.05 p.m.*

## 8th plenary meeting

Tuesday, 11 March 1975, at 8.50 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]

TITLE AND PREAMBLE OF THE CONVENTION  
(A/CONF.67/12)

1. The PRESIDENT said that, in order to expedite preparation of the final text of the Convention, it was necessary that the Conference should adopt the title and preamble of the Convention as soon as possible. He suggested, therefore, that the Conference should consider the draft title and preamble submitted by the Drafting Committee (A/CONF.67/12) before resuming its consideration of article 60 from the previous meeting.

*It was so decided.*

*The title of the Convention submitted by the Drafting Committee (A/CONF.67/12, part A) was adopted.*

2. Sir Vincent EVANS (United Kingdom) drew attention to the fact that a comma should be inserted between the word "Nations" and the word "its" in the first paragraph of the preamble.

3. Mr. SHELDON (Byelorussian Soviet Socialist Republic) drew attention to the fact that in the Russian text the word "qualification" should be replaced by the word "codification" in the third paragraph.

4. The PRESIDENT said that the drafting points made by the representatives of the United Kingdom and the Byelorussian Soviet Socialist Republic had been noted.

*The preamble of the Convention submitted by the Drafting Committee (A/CONF.67/12, part B) was adopted.*

CONSIDERATION OF THE TITLES AND TEXTS OF ARTICLES ADOPTED BY THE COMMITTEE OF THE WHOLE (continued) (A/CONF.67/11/Add.3)

*Article 60 (Inviolability of private accommodation and property) (continued)*

5. Mr. DO NASCIMENTO E SILVA (Brazil) said that, having considered all the comments made on