

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

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9th 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)*

9th plenary meeting

Wednesday, 12 March 1975, at 10.55 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.3 and 4)

Article 61 (Immunity from jurisdiction)

1. The PRESIDENT said that, if he heard no objection, he would take it that the Conference could adopt article 61.

Article 61 was adopted.

Article 62 (Waiver of immunity)

2. Mr. PREDĂ (Romania) requested that a separate vote should be taken on the second sentence of paragraph 1 for the reasons he had given in the meeting, in connexion with article 31, paragraph 1.

3. Mr. MARESCA (Italy) said that his delegation objected to the request for a separate vote.

4. The PRESIDENT put the Romanian motion for division to the vote.

The motion was adopted by 30 votes to 20, with 12 abstentions.

5. The PRESIDENT put to the vote the second sentence of paragraph 1 of article 62.

The result of the vote was 26 in favour and 28 against, with 7 abstentions.

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

6. The PRESIDENT put to the vote paragraph 1, as amended.

The result of the vote was 46 in favour and none against, with 22 abstentions.

Paragraph 1, as amended, was adopted, having obtained the required two-thirds majority.

7. The PRESIDENT put to the vote article 62 as a whole, as amended.

The result of the vote was 50 in favour and none against, with 19 abstentions.

Article 62 as a whole, as amended, was adopted, having obtained the required two-thirds majority.

8. Mr. EUSTATHIADES (Greece), speaking in explanation of vote, said that his delegation had voted in favour of the second sentence of paragraph 1 because it improved the text of article 62 and was intended to make it clear that privileges and immunities were granted only in order to safeguard the independent ex-

ercise of the functions of the members of the delegations. His delegation had, however, voted in favour of article 62 after deletion of that sentence, because it nevertheless embodied the essential rules for the waiver of immunity.

Article 63 (Exemption from social security legislation)

9. The PRESIDENT said that if he heard no objection, he would take it that the Conference could adopt article 63.

Article 63 was adopted.

Article 64 (Exemption from dues and taxes)

10. Mr. MUSEUX (France) noted that, although his delegation would not request that article 64 should be put to the vote, it found subparagraph (f) unacceptable for the reasons it had given at the 7th meeting, in connexion with article 33(f).

11. Mr. VRANKEN (Belgium) said that article 64 (a) was unacceptable to his delegation for the reasons it had given at the 7th meeting, in connexion with article 33 (a).

12. The PRESIDENT said that, if he heard no further objection, he would take it that the Conference could adopt article 64.

Article 64 was adopted.

Article 65 (Exemption from personal services)

13. The PRESIDENT said that, if he heard no objection, he would take it that the Conference could adopt article 65.

Article 65 was adopted.

Article 66 (Exemption from customs duties and inspection)

14. Mr. TAKEUCHI (Japan) said that his delegation considered article 66 to be unacceptable because the provisions of paragraph 1 (a) departed from existing practice as expressed in article IV, section 11 (f) and (g) of the Convention on the Privileges and Immunities of the United Nations.¹ It was of the same opinion with regard to article 92.

15. The PRESIDENT said that, if he heard no other objection, he would take it that the Conference could adopt article 66.

Article 66 was adopted.

Article 67 (Privileges and immunities of other persons)

16. Sir Vincent EVANS (United Kingdom) requested a separate vote on the second half of the first sentence of paragraph 2, beginning with the word "except", because those words were redundant and could be de-

¹ General Assembly Resolution 22A(I).

leted in view of the Conference's adoption of article 61, paragraph 1.

17. Mr. SYSSOEV (Union of Soviet Socialist Republics) said that his delegation strongly objected to the motion for division proposed by the representative of the United Kingdom.

18. Mr. SURENA (United States of America) said that his delegation requested that article 67 should be put to the vote for the reasons it had given during the discussion of that article in the 34th meeting of the Committee of the Whole. His delegation considered that the provisions of article 67 unduly expanded the privileges and immunities of the persons referred to in the article and, in particular, the members of the administrative and technical staff of the delegation and their families. Such an expansion of privileges and immunities was uncalled for since article 60 also applied to such staff. Moreover, it was contrary to the provisions of Article 105 of the Charter of the United Nations.

The United Kingdom motion for division was adopted by 23 votes to 21, with 16 abstentions.

19. The PRESIDENT put to the vote the second half of the first sentence of paragraph 2 of article 67, beginning with the word "except".

The result of the vote was 36 in favour and 25 against, with 7 abstentions.

The second half of the first sentence of paragraph 2 of article 67 was not adopted, having failed to obtain the required two-thirds majority.

20. Mr. WERSHOF (Canada) said that, in view of the final form of article 60, as adopted, his delegation requested that a separate vote should be taken on the reference to article 60 contained in the first part of the first sentence of paragraph 2 of article 67.

21. Mr. SHELDON (Byelorussian Soviet Socialist Republic) said that his delegation objected to the Canadian request for a separate vote on the reference to article 60.

The Canadian motion for division was rejected by 38 votes to 21, with 8 abstentions.

22. Sir Vincent EVANS (United Kingdom), speaking in explanation of vote before the vote, said that his delegation would vote against paragraph 2 as a whole, as amended, because it would contain a reference to article 60. It would not be feasible for the host State to accord inviolability to the private accommodation of all the members of the administrative and technical staff of the delegation.

23. The PRESIDENT put to the vote paragraph 2, as amended.

The result of the vote was 42 in favour and 19 against, with 11 abstentions.

Paragraph 2, as amended, was adopted, having obtained the required two-thirds majority.

24. The PRESIDENT put to the vote article 67 as a whole, as amended.

The result of the vote was 48 in favour and 16 against, with 9 abstentions.

Article 67 as a whole, as amended, was adopted, having obtained the required two-thirds majority.

25. Mr. JALICHANDRA (Thailand), speaking in explanation of vote, said that his delegation had voted against article 67 as a whole, as amended, because it found paragraphs 2, 3 and 4 unacceptable.

26. Mr. HELLNERS (Sweden), speaking in explanation of vote, said that his delegation had voted against paragraph 2 and had abstained from voting on article 67 as a whole, as amended, because the article and, in particular, the reference to article 60 contained in paragraph 2, gave excessively broad privileges and immunities to certain categories of the staff of the delegation.

27. Mr. MARESCA (Italy), speaking in explanation of vote, said that his delegation had voted against paragraph 2 and against article 67 as a whole, as amended, because paragraph 2 accorded excessive privileges and immunities to categories of the staff of delegations who did not need them for the performance of the functions of the delegation and because it contained a reference to article 60 which was meaningless in that particular context. In view of the expansion of privileges and immunities provided for in article 67, his Government would have great difficulty in accepting that article.

28. Mr. EUSTATHIADES (Greece), speaking in explanation of vote, said that his delegation had abstained from voting on article 67 as a whole, as amended, for the reasons just given by the representatives of Sweden and Italy.

Article 68 (Nationals and permanent residents of the host State)

29. The PRESIDENT said that, if he heard no objection, he would take it that the Conference could adopt article 68.

Article 68 was adopted.

Article 69 (Duration of privileges and immunities)

30. Mr. MUSEUX (France) said that article 69, which corresponded to article 38, was unacceptable to his delegation, which considered that the host State could not grant privileges and immunities unless it had been informed of the entry or presence in its territory of members of delegations.

31. Mr. VRANKEN (Belgium) said that he agreed with the comment made by the representative of France concerning article 69.

32. Mr. MARESCA (Italy) said that article 69 was impractical because the host State could not be expected to grant privileges and immunities to persons whose entry in its territory had not been notified in advance.

33. Mr. RITTER (Switzerland) said that his delegation associated itself with the comment made by the representative of France concerning article 69.

34. Mr. NETTEL (Austria) said that his delegation associated itself with the comments made by the representatives of France, Italy and Switzerland because it also considered that it would not be practically possible to implement article 69.

35. Sir Vincent EVANS (United Kingdom) requested

a separate vote on the words "from the moment he enters the territory of the host State for the purpose of attending the meeting of an organ or conference or, if already in its territory," in paragraph 1 of article 69.

36. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that his delegation objected to the motion for division proposed by the representative of the United Kingdom.

37. Mr. SYSSOEV (Union of Soviet Socialist Republics) said that his delegation also objected to the United Kingdom motion for division because, if the words in question were deleted, it would be a very difficult task for the Organization to try to inform the host State of the arrival of members of delegations to organs or conferences.

38. The PRESIDENT put to the vote the motion for division proposed by the United Kingdom.

The motion was rejected by 33 votes to 25, with 10 abstentions.

39. The PRESIDENT put article 69 to the vote.

The result of the vote was 51 in favour and 10 against, with 12 abstentions.

Article 69 was adopted, having obtained the required two-thirds majority.

40. Mr. CALLE Y CALLE (Peru), speaking in explanation of vote, said that his delegation had voted in favour of article 69 for purely practical reasons. He noted that he had arrived in Vienna on a Saturday and had been able to register at the Conference only on the following Tuesday. He had therefore appreciated the fact that he had, in accordance with the provisions of article 69, been entitled to privileges and immunities during the three days before he had been able to register.

41. Mr. KWON (Republic of Korea) speaking in explanation of vote, recalled that his delegation had voted against article 38, paragraph 1, relating to missions to international organizations. His delegation had voted in favour of the United Kingdom motion for division, but it had abstained from voting on article 69 as a whole because, in the case of a conference of short duration, absence of the words with which the United Kingdom was concerned could be used by a host State as a means of blocking the participation of some delegations without adequate reasons and despite the fact that its responsibility was to invite, and make the necessary arrangements for, all members of all delegations to organs or conferences.

Article 70 (End of functions)

Article 71 (Protection of premises, property and archives)

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

Articles 70 and 71 were adopted.

43. Mr. MARESCA (Italy) said that before leaving article 71, it should be noted that the concept of premises no longer existed in the convention and the Drafting

Committee must take the action required as a result of the decision of the Conference.

44. Mr. SHELDON (Byelorussian Soviet Socialist Republic), supported by Mr. SYSSOEV (Union of Soviet Socialist Republics), said that article 71 was concerned with protection and not with the granting of privileges and immunities. The Drafting Committee could not be asked to modify a text which had been adopted by the Conference.

45. Mr. BARAKAT (Yemen) asked for clarification in view of the fact that the Conference had not adopted article 54 and article 71 referred to the "premises of the delegation".

46. Mr. GOBBI (Argentina) said that article 54, relating to the inviolability of premises, was based on different assumptions from Article 71.

47. Mr. EL-ERIAN (Expert Consultant) expressed the view that the adoption of article 71 should not cause any difficulties and that it was not necessary for the Drafting Committee to re-examine the text.

PART IV (OBSERVER DELEGATIONS TO ORGANS AND TO CONFERENCES)

48. Mr. YAÑEZ-BARNUEVO (Spain) said that his delegation had always maintained the view that the annex prepared by the International Law Commission (ILC), now part IV (see A/CONF.67/11/Add. 4), should be merged with part III, which should cover both delegations and observer delegations in the same way as part II covered permanent missions and observer missions. That view had been reinforced since as a result of decisions taken by the Committee of the Whole, many articles in the former annex had become almost identical to those in part III. His delegation would therefore abstain from voting on any of the articles in part IV.

49. Mr. MAAS GEESTERANUS (Netherlands) said that like the Spanish representative, he considered that it would have been better to have merged part IV with part III. He would not ask for a vote on any of the articles.

50. Mr. SURENA (United States of America) said that his delegation had originally intended, in order to maintain the position on the subject which it had adopted in the Committee of the Whole, to ask for a vote on every article of part IV. In order to save time however, he would not follow that course but he wished the summary record to state that his delegation had adopted an attitude of abstention with regard to the title and to all of the articles in part IV.

51. Mr. WERSHOF (Canada) said that as his delegation had already explained in the Committee of the Whole, it was opposed to many of the articles in part IV because they proposed to grant privileges and immunities to observer delegations beyond those required under paragraph 2 of Article 105 of the Charter of the United Nations. When it had become clear, however, that a majority of the Committee desired to reproduce most of the provisions of part III in part IV, he had come to the conclusion, like a number of other

representatives, that it would be better to merge the two parts. For those reasons, his delegation would not request a vote on any particular article and would abstain from voting, if any article was put to the vote.

52. Mr. VRANKEN (Belgium) said that like other delegations, his delegation would not request a vote on any article. That attitude should be interpreted as meaning that, like the Spanish delegation, it saw no need for a separate part on observer missions which should have been covered by part III.

53. Mr. TAKEUCHI (Japan) said that his delegation would also generally adopt an attitude of abstention for the reasons already explained in the relevant discussion in the Committee of the Whole. It was almost impossible in practice to distinguish between delegations and observer delegations. His delegation's attitude should not however be construed as meaning that it objected to the scope of the privileges and immunities proposed for observer delegations.

54. Mr. SHELDON (Byelorussian Soviet Socialist Republic) said that after intensive discussion, the Committee of the Whole had unequivocally decided that part IV should be an independent section of the convention and not merged with part III. He suggested that the Conference should continue with its work of reviewing the convention article by article.

55. Mr. RITTER (Switzerland) said that from the outset his delegation had been consistently in favour of complete equality of status between delegations and observer delegations, since his country made considerable use of the latter type of delegations. He deplored the fact that a separate section had been devoted to observer delegations both because it entailed considerable repetition and because it was liable to introduce discrimination as between the two types of delegations. He would therefore have preferred a definition of the term "delegation" which covered observer delegations, particularly since as a result of the discussion on "passive" and "active" observers it was very difficult to know whether part III or part IV would be applicable in a particular case. If articles of part IV were put to the vote, his delegation would vote on each according to its merits.

56. Sir Vincent EVANS (United Kingdom) said that his delegation would also adopt an attitude of abstention. It considered that the privileges and immunities proposed for observer delegations had been greatly inflated. As his Government had already stated in its written comments (A/CONF.67/6, p. 18) it would have been prepared to accord such delegations reasonable privileges and immunities under part III.

57. Mr. HELLNERS (Sweden) said that his delegation considered that as a result of the procedure followed in the Committee of the Whole, the privileges and immunities proposed for observer delegations had become far too extensive in relation to their functions.

He had subsequently concluded that the best course would be to put observer delegations on a footing of equality with regular delegations. He reserved the Swedish delegation's position on any articles which might be put to the vote.

58. Mr. PINEDA (Venezuela) said that in view of the fact that delegations had adopted clear-cut attitudes with regard to part IV which had already been the subject of detailed discussion, he would make a formal motion that the Conference should vote on part IV as a whole.

59. Mr. GOBBI (Argentina) supported the Venezuelan representative's motion.

60. Mr. SYSSOEV (Union of Soviet Socialist Republics), in supporting the Venezuelan representative's motion, requested a separate vote on articles 84 and 86, to which he wished to propose amendments so as to bring them into line with corresponding articles which had already been adopted.

61. Mr. PREDA (Romania) requested a separate vote on article 88.

62. Mr. WERSHOF (Canada) said that a motion to vote on a group of articles *en bloc* was quite unprecedented in a conference dealing with the codification of international law.

63. Mr. MUSEUX (France) said that such a course could be adopted only with the unanimous consent of all the participants; otherwise the Conference must adhere to the usual rule of considering the convention article by article.

64. Sir Vincent EVANS (United Kingdom) and Mr. SURENA (United States of America) supported the views expressed by the French representative.

65. Mr. PINEDA (Venezuela), in accepting the requests of the representatives of the USSR and Romania, said that there was no rule which explicitly forbade the joint consideration of a number of inter-linked articles. The case was covered by rule 31 of the rules of procedure.

66. Mr. CABEZAS-MOLINA (Ecuador) suggested as a compromise that the Conference might consider individually articles on which a separate vote was requested and then part IV as a whole.

67. Mr. PINEDA (Venezuela) said that in making his proposal he had intended to help speed up the work of the Conference. However, as it had already shown, his delegation was prepared to adopt a flexible attitude towards its motion and he hoped that other delegations would do the same.

68. The PRESIDENT suggested that it would be desirable to have an informal exchange of views regarding the procedural problem which had arisen.

The meeting rose at 12.55 p.m.