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Report of the Committee of the Whole

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C. REPORT OF THE COMMITTEE OF THE WHOLE

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Chapter I

INTRODUCTION

A. Submission of the report

1. By its resolution 2966 (XXVII) of 14 December 1972, the General Assembly decided that an international conference of plenipotentiaries should be convened as soon as practicable to consider the draft articles on the representation of States in their relations with international organizations,¹ and to embody the results of its work in an international convention and such other instruments as it might deem appropriate. Subsequently, by its resolution 3072 (XXVIII) of 30 November 1973, the General Assembly decided that the United Nations Conference on the Representation of States in Their Relations with International Organizations would be held early in 1975 at Vienna.

2. The Conference opened on 4 February 1975 at the Neue Hofburg, Vienna. At its 1st plenary meeting on that date, the Conference, *inter alia*, established a single Committee of the Whole to which it referred

item 11 of the agenda adopted by the Conference (A/CONF.67/9), namely, "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". The present document contains the report of the Committee of the Whole to the Conference on its consideration of that item.

B. Expression of thanks

3. At the outset of its report, the Committee of the Whole wishes to place on record its deep appreciation to the Federal Government and to the people of the Republic of Austria for making possible the holding of the Conference in Vienna, and for their generous hospitality and great contribution to the successful completion of the work of the Committee.

4. The Committee of the Whole also wishes to

¹ See section B of this volume, p. 5.

express its gratitude to the International Law Commission for its outstanding contribution to the progressive development and codification of international law in the field under consideration.

5. Finally, the Committee of the Whole must express its most sincere thanks to the Drafting Committee of the Conference and to the Expert Consultant, Mr. Abdullah El-Erian for their unfailing and invaluable assistance in assuring the success of the work of the Committee of the Whole.

C. Election of officers

6. At its 3rd plenary meeting, on 5 February 1975, the Conference elected by acclamation the Chairman of the Committee of the Whole and the Chairman of the Drafting Committee.

7. At its 1st meeting held on 5 February 1975, the Committee of the Whole elected by acclamation its Vice-Chairman and Rapporteur.

8. The officers elected were as follows:

Chairman of the Committee of the Whole: Mr. Erik Nettel (Austria); *Vice-Chairman of the Committee of the Whole:* Mr. Max Wershof (Canada); *Rapporteur of the Committee of the Whole:* Mr. Alfons Klafkowski (Poland); *Chairman of the Drafting Committee:* Mr. Solomon Sogbetun (Nigeria).

D. Drafting Committee

9. At its 4th plenary meeting on 5 February 1975, the Conference decided, on the recommendation of the General Committee, that the Drafting Committee should be composed of, in addition to the Chairman of the Drafting Committee and the Rapporteur of the Committee of the Whole, the representatives of Argentina, France, Iraq, Morocco, Netherlands, Pakistan, Peru, Switzerland, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America.

E. Secretariat

10. The Secretariat was composed as follows:

Representative of the Secretary-General of the United Nations, Under-Secretary-General, The Legal Counsel, Mr. Erik Suy; Executive Secretary of the Conference, Director of the Codification Division, Mr. Yuri M. Rybakov; Secretary of the Committee of the Whole, Mr. N. Teslenko; Assistant Secretaries of the Committee of the Whole, Miss J. Dauchy and Mr. R. Zacklin; Secretary of the Drafting Committee, Mr. S. Torres Bernardez; Deputy Secretaries of the Drafting Committee, Mr. E. Valencia Ospina and Mr. R. Sommereyns.

F. Basic proposal and background documentation

(i) BASIC PROPOSAL

11. In accordance with rule 29 of the rules of procedure (A/CONF.67/8 and Corr. 1), adopted by the Conference at its 1st plenary meeting, on 4 February 1975, the Committee of the Whole had before it

as the basic proposal the draft articles on the representation of States in their relations with international organizations adopted by the International Law Commission at its twenty-third session.

(ii) BACKGROUND DOCUMENTATION

12. The Committee of the Whole in addition to the relevant records of the International Law Commission and of the General Assembly had available to it the following background documentation:

(a) Comments and observations on the final draft articles submitted following the adoption of General Assembly resolution 3072 (XXVIII) of 30 November 1973 (A/CONF.67/6);

(b) A selected bibliography on the question of the representation of States in their relations with international organizations (A/CONF.67/7);

(c) A guide for the draft articles on representation of States in their relations with international organizations, adopted by the International Law Commission at its twenty-third session (1971) (ST/LEG/10).

13. The Committee also had available to it the following working papers:

(a) Comparative table of the articles of part II (Missions to international organizations) and part III (Delegations to organs and to conferences) and of articles B and following of the annex (Observer delegations to organs and to conferences) (A/CONF.67/WP.3);

(b) Comparative table of the draft articles and the provisions of international instruments on which they are based (A/CONF.67/WP.4);

(c) Compendium of some of the instruments taken into account by the International Law Commission in preparing the draft articles on the representation of States in their relations with international organizations (A/CONF.67/WP.5);

(d) Analytical compilation of comments and observations made with respect to the final draft articles on the representation of States in their relations with international organizations (A/CONF.67/WP.6).

G. Meetings, organization of work and reports of the Drafting Committee

(i) MEETINGS

14. The Committee of the Whole held 48 meetings between 5 February and 10 March 1975. The Drafting Committee held 30 meetings between 10 February and 13 March 1975.

(ii) ORGANIZATION OF WORK

15. At its 4th plenary meeting, on 5 February 1975, the Conference decided on the recommendation of the General Committee to adopt the method of discussing article by article the draft which constituted the basic proposal before the Conference, it being understood that the suggestions on the grouping of articles contained in the memorandum of the Secretariat on the methods of work and procedures of the Conference (A/CONF.67/3) could serve as useful guidance in the

conduct of the Conference's work whenever feasible. The Committee of the Whole followed the method of the article-by-article discussion with respect to most of the articles of the draft, namely, articles 1 to 58, 60, 61, 63, 71 to 82, A to L, N, O and Q.

16. At its 5th plenary meeting, on 20 February 1975, the Conference considered a proposal—initially submitted to the Committee of the Whole—by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.76) to the effect that part III of the draft (Delegations to organs and to conferences) should be considered jointly with the annex (Observer delegations to organs and to conferences). In the same meeting, the ten-Power proposal was orally revised. In its revised version, the proposal was to the effect that the Committee of the Whole should consider whenever possible part III (Delegations to organs and to conferences) jointly with the annex (Observer delegations to organs and to conferences). The ten-Power proposal was adopted in its revised form.

17. At its 30th meeting, on 26 February 1975, the Committee of the Whole examined a proposal by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.96) to consider articles 59, 62, 64 and 65 of part III in conjunction with their counterparts in articles M, P, R and S of the annex. It adopted that proposal by 42 votes to 14, with 10 abstentions. A similar proposal was made by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.106) with respect to articles 66, 67, 68, 69 and 70 of part III and their counterparts in articles T, U, V, W and X of the annex. The procedure thus proposed was followed by the Committee of the Whole for the articles in question.

18. At its 5th plenary meeting on 20 February 1975, the Conference, on the recommendation of the General Committee, decided to entrust to the Drafting Committee the elaboration of drafts for submission directly to the plenary, concerning:

- (a) The title of the Convention;
- (b) The preamble of the Convention;
- (c) The final clauses of the Convention;
- (d) The Final Act of the Conference.

In the light of that decision, a proposal by Romania concerning the title of the future Convention which had been submitted to the Committee of the Whole (A/CONF.67/C.1/L.9) was referred to the Drafting Committee. The proposal sought to give the Convention the following title: "Convention on the representation of States in their relations with international organizations and their representation at conferences convened by or under the auspices of such organizations".

19. At its 2nd meeting, on 6 February 1975, the Committee of the Whole decided to start consideration of the draft with article 2, it being understood that repre-

sentatives could comment on article 1 during consideration of the substantive provisions. As a result of the method thus followed, amendments relating to article 1 were adopted in the course of the consideration of articles 2 and 54 of the draft (see the relevant sections of chapter II of this report). Like article 1, article A of the annex was examined after the substantive provisions of the annex had been considered.

20. The procedure which the Committee of the Whole followed for the consideration of articles—whether taken up jointly or separately—was as follows: After initial consideration by the Committee of the article and amendments thereto the article was referred in its original or in an amended form to the Drafting Committee, sometimes with drafting amendments relating thereto. In certain instances, the Committee voted on the principle contained in the amendments, the Drafting Committee being requested, in case of adoption, to recommend the precise formulation of the principle. Subsequent to its initial consideration of each article, the Committee of the Whole considered the report of the Drafting Committee on the article and pronounced itself on the text recommended.

(iii) REPORTS OF THE DRAFTING COMMITTEE

21. The reports of the Drafting Committee took the form of the texts adopted. These reports did not elaborate upon particular points considered or the reasons why certain amendments which had been referred to the Drafting Committee as drafting points had, or had not, been accepted. In most cases, however, the Chairman of the Drafting Committee explained the main considerations which had resulted in the recommendations concerned. These statements by the Chairman of the Drafting Committee are to be found in the summary records of the Committee of the Whole.

H. Decision concerning the general structure of the draft convention

22. At its 45th meeting, on 7 March 1975, the Committee of the Whole adopted by 45 votes to 1, with 20 abstentions, a proposal by Cuba, Czechoslovakia, the Holy See and Iraq (A/CONF.67/C.1/L.146), thereby deciding to regard article A of the annex as part of article 1 of the Convention and articles B to X of the annex as part IV of the Convention under the title "Observer Delegations to organs and to conferences", and to regard, accordingly, part IV "General provisions" as part V of the Convention.

I. Organization of the report of the Committee of the Whole, summary records and statements for the report

(i) ORGANIZATION OF THE REPORT

23. In addition to the Introduction, the present report contains two other chapters, the last of which sets out the text of the articles of the draft convention prepared by the Committee of the Whole. An annex contains a check list of documentation submitted during the Conference to the Committee of the Whole.

24. Chapter II is entitled "Consideration by the Committee of the Whole of the draft articles on the representation of States in their relations with international organizations". This chapter describes the proceedings of the Committee treating each article separately, except in the cases referred to in paragraph 17 above.

25. In most cases the articles in chapter II are dealt with in accordance with the following plan:

(a) First the text of the International Law Commission's article (or articles), or the text of a proposed new article is set out;

(b) Next come the texts of amendments if any with a brief indication of the manner in which they were disposed of;

(c) The proceedings of the Committee of the Whole are then described.

The numbers of the meetings at which discussion of the article (or articles) took place are first given under the heading "Meetings". Under the sub-heading "Initial consideration", amendments which were withdrawn are listed, the results of the voting on amendments or important procedural points are given and the amendments referred to the Drafting Committee are also indicated. Under the sub-heading "Consideration of the report of the Drafting Committee", the number of the meeting at which the text proposed by the Drafting Committee

was considered is given, together with the decision taken by the Committee of the Whole, including the vote, if any. Finally, the text adopted by the Committee of the Whole is set out under a separate sub-heading. Departures from this pattern occur only where an article was deleted or a proposal for insertion of a new article was rejected.

(ii) SUMMARY RECORDS

26. Chapter II of this report is designed to be read in conjunction with the summary records of the Committee of the Whole (A/CONF.67/C.1/SR.1 to 48).

(iii) STATEMENTS FOR THE REPORT

27. It has not been possible to include in chapter II of this report any summary of the discussion, or to state which representatives spoke on a particular article, except where formal proposals were made and decided upon. The representative of Venezuela, however, requested in the course of the debate on articles 6 and 7 that there should be a reference in this report to the statement he made at the 8th meeting of the Committee of the Whole recording his delegation's view that the function of the permanent mission and the permanent observer mission to ascertain activities in the Organization must be carried out through licit means.

Chapter II

CONSIDERATION BY THE COMMITTEE OF THE WHOLE OF THE DRAFT ARTICLES ON THE REPRESENTATION OF STATES IN THEIR RELATIONS WITH INTERNATIONAL ORGANIZATIONS

PART I. INTRODUCTION

28. On the recommendation of the Drafting Committee (see A/CONF.67/C.1/1/Rev.1), the Committee of the Whole decided, at its 47th meeting, to recommend to the Conference that the title of part I be maintained without change.

[NOTE CONCERNING ARTICLE 1]

In view of the decision concerning article 1 which is recorded in paragraph 19 above, the description of the proceedings concerning this article appears at the end of chapter II.]

ARTICLE 2

A. International Law Commission text

29. The International Law Commission text provided as follows:

Article 2. Scope of the present articles

1. The present articles apply to the representation of States in their relations with international organizations of universal character and to their representation at conferences convened by or under the auspices of such organizations.

2. The fact that the present articles do not relate to other international organizations is without prejudice to the application to the representation of States in their relations with such other organizations of any of the rules set forth in the present articles which would be applicable under international law independently of these articles.

3. The fact that the present articles do not relate to other conferences is without prejudice to the application to the representation of States at such other conferences of any of the rules set forth in the present articles which would be applicable under international law independently of these articles.

4. Nothing in the present articles shall preclude States from agreeing that the present articles apply in respect of:

(a) international organizations other than those of universal character, or

(b) conferences other than those convened by or under the auspices of such organizations.

B. Amendments

30. Amendments were submitted to article 2 by Spain (A/CONF.67/C.1/L.2), France, the Ivory Coast and Switzerland (A/CONF.67/C.1/L.7), the Netherlands (A/CONF.67/C.1/L.8) and the United Kingdom (A/CONF.67/C.1/L.15). The amendment by France, the Ivory Coast and Switzerland (A/CONF.

67/C.1/L.7) was the object of a subamendment by Madagascar (A/CONF.67/C.1/L.19, subsequently orally revised) and of an oral amendment by the United Republic of Cameroon.

31. These amendments and subamendments were to the following effect:

(a) *Spain* (A/CONF.67/C.1/L.2):

Delete the article.

[Withdrawn; see para. 33 below.]

(b) *France, Ivory Coast and Switzerland* (A/CONF.67/C.1/L.7):

Replace paragraph 1 by the following paragraph:

The present articles apply to the representation of States in their relations with the United Nations, its specialized agencies and the International Atomic Energy Agency and to their representation at conferences convened by or under the auspices of such organizations.

Replace paragraph 4 by the following paragraph:

Nothing in the present articles shall preclude the conclusion of agreements making the present articles applicable to international organizations or conferences other than those referred to in paragraph 1 of this article.

[The first part was rejected and the second part was adopted in an amended form; see para. 35 below.]

(c) *Madagascar*. (Subamendment (A/CONF.67/C.1/L.19 as orally revised)² to the amendment by France, the Ivory Coast and Switzerland (A/CONF.67/C.1/L.7):

In paragraph 4, insert the words "between the States concerned and the Organization" after "agreements".

[Adopted; see para. 35 below.]

(d) *United Republic of Cameroon*. Oral subamendment to the amendment by France, Ivory Coast and Switzerland (A/CONF.67/C.1/L.7): In paragraph 4 insert the words "in toto or in part" after the word "applicable".

[Adopted; see para. 35 below.]

(e) *Netherlands* (A/CONF.67/C.1/L.8):

Replace paragraph 1 by the following text:

Upon decision by the organization concerned, and with the consent of the host State expressly notified to that organization, this convention shall apply to the representation of States in their relations with an international organization and to their representation at conferences convened by or under the auspices of such organization.

Note: Consequential changes:

(a) Regarding article 1:

Delete article 1.1(2).

(b) Regarding article 4, subparagraph (a):

Delete phrase "of universal character".

(c) Regarding article 4, subparagraph (b):

Delete phrase "of universal character".

[Withdrawn; see para. 34 below.]

(f) *United Kingdom* (A/CONF.67/C.1/L.15):

Replace the text of paragraph 1 (2) of article 1 by the following:³

² In its original version, this subamendment sought to insert between the word "agreements" and the word "making" the words "between the host State and the Organization".

³ As a result of the decision recorded in paragraph 19 above, the Committee of the Whole pronounced itself on this amendment in the course of its consideration of article 2.

"international organization of universal character" means the United Nations, its specialized agencies, the International Atomic Energy Agency and any similar organization whose membership and responsibilities are on a world-wide scale.

Replace the text of paragraph 1 of article 2 by the following:

The present Convention applies to the representation of States in their relations with any international organization of a universal character, and to their representation at conferences convened by or under the auspices of such an organization, when the present Convention has been accepted by the organization and by the host State in respect of that organization.

[Adopted; see para. 34 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

32. The Committee of the Whole initially discussed article 2 and the amendments thereto at its 2nd, 3rd, 4th and 5th meetings, on 6 and 7 February, 1975. At its 47th meeting, on 10 March 1975, the Committee of the Whole considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

33. At the 3rd meeting of the Committee of the Whole, the amendment by Spain (A/CONF.67/C.1/L.2) was withdrawn.

34. At the 4th meeting of the Committee of the Whole, the amendment by the Netherlands (A/CONF.67/C.1/L.8) was also withdrawn.

35. At its 5th meeting, the Committee of the Whole voted as follows on article 2 and the amendments thereto:

(a) The amendment by France, the Ivory Coast and Switzerland to paragraph 1 (A/CONF.67/C.1/L.7) was rejected by 26 votes to 14 with 20 abstentions;

(b) The first part of the amendment by the United Kingdom (A/CONF.67/C.1/L.15)⁴ was adopted by 48 votes to 2 with 8 abstentions;

(c) With respect to the second part of the amendment by the United Kingdom (A/CONF.67/C.1/L.15), a motion seeking a separate vote on the words "when the present Convention has been accepted by the Organization and by the host State in respect of that Organization" was rejected by 32 votes to 18, with 15 abstentions; the second part of the amendment by the United Kingdom (A/CONF.67/C.1/L.15) was then adopted by 30 votes to 22, with 13 abstentions;

(d) The subamendment by Madagascar (A/CONF.67/C.1/L.19, as orally revised) to the amendment by France, the Ivory Coast and Switzerland to paragraph 4 (A/CONF.67/C.1/L.7) was adopted by 34 votes to 2, with 22 abstentions;

(e) The oral subamendment by the United Republic of Cameroon to the amendment by France, the Ivory Coast and Switzerland to paragraph 4 (A/CONF.67/C.1/L.7) was adopted by 29 votes to 1, with 28 abstentions;

⁴ See foot-note 3 above.

(f) The amendment by France, the Ivory Coast and Switzerland to paragraph 4 (A/CONF.67/C.1/L.7), as amended, was adopted by 31 votes to 7, with 25 abstentions;

(g) Article 2 as a whole, as amended, was adopted by 41 votes to 5, with 19 abstentions.

36. Also at its 5th meeting, the Committee of the Whole decided without objection to refer article 2 to the Drafting Committee, it being understood that the Drafting Committee would have latitude to review the article in relation to the final clauses.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

37. At its 47th meeting, the Committee of the Whole had before it a report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 2 adopted by the Drafting Committee. (For the text, see para. 39 below.)

38. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

39. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 2:

Article 2. Scope of the present Convention

1. The present Convention applies to the representation of States in their relations with any international organization of a universal character, and to their representation at conferences convened by or under the auspices of such an organization, when the Convention has been accepted by the Organization and by the host State in respect of that organization.

2. The fact that the present Convention does not apply to other international organizations is without prejudice to the application to the representation of States in their relations with such other organizations of any of the rules set forth in the Convention which would be applicable under international law independently of the Convention.

3. The fact that the present Convention does not apply to other conferences is without prejudice to the application to the representation of States at such other conferences of any of the rules set forth in the Convention which would be applicable under international law independently of the Convention.

4. Nothing in the present Convention shall preclude the conclusion of agreements between States or between States and international organizations making the Convention applicable in whole or in part to international organizations or conferences other than those referred to in paragraph 1 of this article.

ARTICLE 3

A. International Law Commission text

40. The International Law Commission text provided as follows:

Article 3. Relationship between the present articles and the relevant rules of international organizations or conferences

The application of the present articles is without prejudice to any relevant rules of the Organization or to any relevant rules of procedure of the conference.

B. Amendments

41. No amendment was submitted to article 3.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

42. The Committee of the Whole initially discussed article 3 at its 3rd and 5th meetings, on 6 and 7 February, 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

43. At its 5th meeting, the Committee of the Whole adopted the text of the International Law Commission by 59 votes to none, with 4 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

44. At its 47th meeting, the Committee of the Whole had before it a report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 3 adopted by the Drafting Committee. (For the text, see para. 46 below.)

45. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

46. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 3:

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

The provisions of the present Convention are without prejudice to any relevant rules of the Organization or to any relevant rules of procedure of the conference.

ARTICLE 4

A. International Law Commission text

47. The International Law Commission text provided as follows:

Article 4. Relationship between the present articles and other international agreements

The provisions of the present articles

(a) are without prejudice to other international agreements in force between States or between States and international organizations of universal character; and

(b) shall not preclude the conclusion of other international agreements regarding the representation of States in their relations with international organizations of universal character or their representation at conferences convened by or under the auspices of such organizations.

B. Amendments

48. Amendments were submitted to article 4 by Spain (A/CONF.67/C.1/L.3) and Pakistan (A/CONF.67/C.1/L.13).

49. These amendments were to the following effect:

(a) *Spain* (A/CONF.67/C.1/L.3):

Replace the text of subparagraph (b) by the following:

Nothing in the present Convention shall preclude States and international organizations from concluding agreements which confirm, complete, extend or amplify its provisions.

[Withdrawn, see para. 51 below.]

(b) *Pakistan* (A/CONF.67/C.1/L.13):

Alternative 1:

Delete article 4.

Alternative 2:

Add a new subparagraph (c) reading as follows:

In case of any conflict between the provisions of the convention and other agreements the former shall prevail.

[Withdrawn; see para. 51 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

50. The Committee of the Whole initially discussed article 4 and the amendments thereto at its 3rd and 5th meetings, on 6 and 7 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

51. At the 5th meeting of the Committee of the Whole, the amendments by Spain (A/CONF.67/C.1/L.3) and by Pakistan (A/CONF.67/C.1/L.13) were withdrawn.

52. The Committee of the Whole then adopted the text of the International Law Commission by 62 votes to none, with 3 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

53. At its 47th meeting, the Committee of the Whole had before it a report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 4 adopted by the Drafting Committee. (For the text, see para. 55 below.)

54. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

55. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 4:

Article 4. Relationship between the present Convention and other international agreements

The provisions of the present Convention:

(a) are without prejudice to other international agreements in force between States or between States and international organizations of a universal character; and

(b) shall not preclude the conclusion of other international agreements regarding the representation of States in their relations with international organizations of a universal character or their representation at conferences convened by or under the auspices of such organizations.

PART II. MISSIONS TO INTERNATIONAL ORGANIZATIONS

56. On the recommendation of the Drafting Committee (see A/CONF.67/C.1/1/Rev.1) the Committee of the Whole decided, at its 47th meeting, to recommend to the Conference that the above title be maintained without change.

ARTICLE 5

A. International Law Commission text

57. The International Law Commission text provided as follows:

Article 5. Establishment of missions

1. Member States may, if the rules of the Organization so admit, establish permanent missions for the performance of the functions mentioned in article 6.

2. Non-member States may, if the rules of the Organization so admit, establish permanent observer missions for the performance of the functions mentioned in article 7.

3. The Organization shall notify to the host State the institution of a mission, if possible prior to its establishment.

B. Amendments

58. Amendments to article 5 were submitted by Czechoslovakia (A/CONF.67/C.1/L.20), France (A/CONF.67/C.1/L.23) and Switzerland (A/CONF.67/C.1/L.26). Amendments submitted in writing by the United Republic of Cameroon (A/CONF.67/C.1/L.14), Belgium (A/CONF.67/C.1/L.16) and the Federal Republic of Germany (A/CONF.67/C.1/L.21) were subsequently replaced by a joint oral amendment submitted by those three States.

59. The amendments were to the following effect:

(a) *Czechoslovakia* (A/CONF.67/C.1/L.20):

Replace the text of paragraph 2 by the following:

In cases where Member States may establish permanent missions, non-Member States may establish permanent observer missions for the performance of the functions mentioned in article 7.

[Rejected; see para. 62 below.]

(b) *France* (A/CONF.67/C.1/L.23):

Replace the text of paragraph 1 by the following:

Member States may, if the rules of the Organization so admit, establish permanent missions at the Organization's headquarters for the performance of the functions mentioned in article 6.

Replace the text of paragraph 2 by the following:

Non-member States may, if the rules of the Organization so admit, establish permanent observer missions at the Organization's headquarters for the performance of the functions mentioned in article 7.

[Withdrawn; see para. 61 below.]

(c) *Switzerland* (A/CONF.67/C.1/L.26):

In paragraph 1, after the words "if the rules", add the words "and the practice".

[Withdrawn; see para. 61 below.]

(d) *United Republic of Cameroon* (A/CONF.67/C.1/L.14):

Replace paragraph 3 by the following text:

3. The Organization shall notify to the host State the institution of a mission prior to its opening.

[Replaced by a joint oral amendment; see para. 61 below.]

(e) *Belgium* (A/CONF.67/C.1/L.16):

Delete in paragraph 3 the words "if possible".

If this amendment is adopted, paragraph 3 would read as follows:

The Organization shall notify to the host State the institution of a mission prior to its establishment.

[Replaced by a joint oral amendment; see para. 61 below.]

(f) *Germany (Federal Republic of)* (A/CONF.67/C.1/L.21):

Reformulate paragraph 3 as follows:

The Organization shall notify to the host State the institution of a mission prior to its establishment and affirm that it is established in accordance with the rules of the Organization.

[Replaced by a joint oral amendment; see para. 61 below.]

(g) *Belgium, Germany (Federal Republic of) and United Republic of Cameroon* (oral amendment):

Delete in paragraph 3 the words "if possible".

[Adopted; see para. 62 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

60. The Committee of the Whole initially discussed article 5 at its 5th and 6th meetings, on 7 and 10 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

61. At the 6th meeting of the Committee of the Whole, the amendments by France (A/CONF.67/C.1/L.23) and Switzerland (A/CONF.67/C.1/L.26) were withdrawn and the amendments by the United Republic of Cameroon (A/CONF.67/C.1/L.14), Belgium (A/CONF.67/C.1/L.16) and the Federal Republic of Germany (A/CONF.67/C.1/L.21) were replaced by a joint oral amendment submitted by those three States.

62. At the same meeting, the Committee of the Whole rejected the amendment by Czechoslovakia (A/CONF.67/C.1/L.20) by 36 votes to 18, with 8 abstentions. It adopted the joint oral amendment by Belgium, the Federal Republic of Germany and the United Republic of Cameroon by 58 votes to none, with 6 abstentions. It then adopted article 5, as amended, by 53 votes to none, with 10 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

63. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of

article 5 adopted by the Drafting Committee. (For the text, see para. 65 below.)

64. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

65. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 5:

Article 5. Establishment of missions

1. Member States may, if the rules of the Organization so permit, establish permanent missions for the performance of the functions mentioned in article 6.

2. Non-member States may, if the rules of the Organization so permit, establish permanent observer missions for the performance of the functions mentioned in article 7.

3. The Organization shall notify the host State of the institution of a mission prior to its establishment.

ARTICLE 6

A. International Law Commission text

66. The International Law Commission text provided as follows:

Article 6. Functions of the permanent mission

The functions of the permanent mission consist *inter alia* in:

- (a) ensuring the representation of the sending State to the Organization;
- (b) maintaining the necessary liaison between the sending State and the Organization;
- (c) negotiating with or in the Organization;
- (d) ascertaining activities in the Organization and reporting thereon to the Government of the sending State;
- (e) promoting co-operation for the realization of the purposes and principles of the Organization.

B. Amendments

67. Amendments were submitted to article 6 by Spain (A/CONF.67/C.1/L.4), the Federal Republic of Germany (A/CONF.67/C.1/L.17) and France and Switzerland (A/CONF.67/C.1/L.24).

68. These amendments were to the following effect:

(a) *Spain* (A/CONF.67/C.1/L.4):

Add the following new subparagraph:

(f) protecting the interests of the sending State in relation to the Organization.

[Adopted; see para. 70 below.]

(b) *Germany (Federal Republic of)* (A/CONF.67/C.1/L.17, as orally revised):⁵

1. In the first line before the word "function" insert the word "main" and delete the words "*inter alia*".

2. Reformulate subparagraph (a) as follows:

represent the sending State and its interests vis-à-vis the Organization.

⁵ In its original version, the reformulation proposed for subparagraph (e) read as follows: "To promote the realization of the purposes and principles of the Organization by co-operating with the Organization and with other permanent missions."

3. In subparagraph (b) delete the word "necessary".

4. Reformulate subparagraph (e) as follows (orally revised version):⁵

to promote the realization of the purposes and principles of the Organization by co-operating with and within the Organization.

[Point 1 was rejected, point 2 referred to the Drafting Committee and points 3 and 4 were adopted; see para. 70 below.]

(c) *France and Switzerland* (A/CONF.67/C.1/L.24):

Add a new subparagraph (f) reading as follows:

(f) ensuring the participation of the sending State in the activities of the Organization.

[Adopted; see para. 70 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

69. The Committee of the Whole initially considered article 6 at its 7th meeting, on 10 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

70. At its 7th meeting, the Committee of the Whole voted as follows on article 6 and the amendments thereto:

(a) It rejected point 1 of the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.17) by 21 votes to 20, with 24 abstentions;

(b) It adopted point 3 of the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.17) by 30 votes to 6, with 28 abstentions;

(c) It adopted point 4 of the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.17, as orally revised) by 39 votes to 4, with 22 abstentions;

(d) It adopted the amendment by Spain (A/CONF.67/C.1/L.4) by 20 votes to 13 with 29 abstentions;

(e) It adopted the amendment by France and Switzerland (A/CONF.67/C.1/L.24) by 34 votes to 3, with 26 abstentions;

(f) It adopted article 6 as a whole as amended by 60 votes to none, with 4 abstentions, and decided without objection to refer it to the Drafting Committee, it being understood:

(1) that the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.17) to subparagraph (a) would be examined by the Drafting Committee;

(2) that the sequence of the various subparagraphs would be decided on the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

71. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Com-

mittee (A/CONF.67/C.1/1/Rev.1) containing the text of article 6 adopted by the Drafting Committee. (For the text, see para. 73 below, subject to the change referred to in para. 72 below.)

72. The Committee of the Whole decided to substitute in subparagraph (c) the words "with or within" for the words "with and within".

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

73. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 6:

Article 6. Functions of the permanent mission

The functions of the permanent mission consist *inter alia* in:

(a) ensuring the representation of the sending State to the Organization;

(b) maintaining liaison between the sending State and the Organization;

(c) negotiating with and within the Organization;

(d) ascertaining activities in the Organization and reporting thereon to the Government of the sending State;

(e) ensuring the participation of the sending State in the activities of the Organization;

(f) protecting the interests of the sending State in relation to the Organization;

(g) promoting the realization of the purposes and principles of the Organization by co-operating with and within the Organization.

ARTICLE 7

A. International Law Commission text

74. The International Law Commission text provided as follows:

Article 7. Functions of the permanent observer mission

The functions of the permanent observer mission consist *inter alia* in:

(a) ensuring, in relations with the Organization, the representation of the sending State and maintaining liaison with the Organization;

(b) ascertaining activities in the Organization and reporting thereon to the Government of the sending State;

(c) promoting co-operation with the Organization and, when required, negotiating with it.

B. Amendments

75. Amendments were submitted to article 7 by Spain (A/CONF.67/C.1/L.5) and the United States of America (A/CONF.67/C.1/L.22).

76. These amendments were to the following effect:

(a) *Spain* (A/CONF.67/C.1/L.5):

Delete in subparagraph (c) the words "when required".

[Adopted; see para. 79 below.]

(b) *United States of America* (A/CONF.67/C.1/L.22 as orally revised):⁶

⁶ In its original version, the reformulation proposed for subparagraph (a) read as follows: "observing, on behalf of the sending State, the activities of the Organization, and maintaining liaison with the Organization".

Amend subparagraph (a) to read as follows (orally revised formulation):⁶

observing, on behalf of the sending State, the activities of the Organization, and maintaining liaison with the Organization, and, as appropriate, representing the interests of the sending State in its relations with and within the Organization.

Delete in subparagraph (c) the following words: "and, when required, negotiating with it".

[First part rejected, second part withdrawn; see paras. 78 and 79 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

77. The Committee of the Whole initially considered article 7 at its 7th and 8th meetings, on 10 and 11 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

78. At the 8th meeting of the Committee of the Whole, that part of the amendment by the United States of America (A/CONF.67/C.1/L.22) relating to subparagraph (c) was withdrawn.

79. The Committee then voted as follows on article 7 and the amendments thereto:

(a) It rejected the amendment by the United States of America (A/CONF.67/C.1/L.22, as orally revised) by 37 votes to 13, with 13 abstentions;

(b) It adopted the amendment by Spain (A/CONF.67/C.1/L.5) by 29 votes to 12, with 23 abstentions;

(c) It adopted article 7 as a whole, as amended, by 60 votes to none, with 5 abstentions, and decided without objection to refer it to the Drafting Committee, it being understood that the Drafting Committee would introduce in article 7 the changes consequential upon the adoption, with respect to article 6, of the amendment submitted by Spain to that article (A/CONF.67/C.1/L.4) (see para. 70 above).

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

80. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 7 adopted by the Drafting Committee. (For the text, see para. 82 below.)

81. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

82. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 7:

Article 7. Functions of the permanent observer mission

The functions of the permanent observer mission consist *inter alia* in:

(a) ensuring the representation of the sending State and safeguarding its interests in relation to the Organization and maintaining liaison with it;

(b) ascertaining activities in the Organization and reporting thereon to the Government of the sending State;

(c) promoting co-operation with the Organization and negotiating with it.

ARTICLE 8

A. International Law Commission text

83. The International Law Commission text provided as follows:

Article 8. Multiple accreditation or appointment

1. The sending State may accredit the same person as head of mission to two or more international organizations or appoint a head of mission as a member of the diplomatic staff of another of its missions.

2. The sending State may accredit a member of the diplomatic staff of the mission as head of mission to other international organizations or appoint a member of the staff of the mission as a member of the staff of another of its missions.

B. Amendments

84. Amendments were submitted to article 8 by Switzerland (A/CONF.67/C.1/L.25) and, orally, by the Ivory Coast.

85. These amendments were to the following effect:

(a) *Switzerland* (A/CONF.67/C.1/L.25):

Delete the article.

[Withdrawn, see para. 87 below.]

(b) *Ivory Coast* (oral amendment):

Insert a paragraph 3 reading as follows:

Several States may accredit the same person as head of mission to one or more international organizations.

[Adopted; see para. 88 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

86. The Committee of the Whole initially considered article 8 at its 9th meeting, on 11 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

87. At the 9th meeting of the Committee of the Whole, the amendment by Switzerland (A/CONF.67/C.1/L.25) was withdrawn.

88. At the same meeting, the Committee of the Whole voted on article 8 and the amendment thereto as follows:

Paragraphs 1 and 2

The Committee of the Whole took separate votes on paragraphs 1 and 2 as follows:

(a) With respect to paragraph 1, it decided unanimously to retain the words "accredit the same person as head of mission to two or more international organizations or," and it decided to retain the end of the paragraph from the word "appoint" by 42 votes to 10, with 12 abstentions;

(b) With respect to paragraph 2, it decided to re-

tain the words "accredit a member of the diplomatic staff of the mission as head of mission to other international organizations or," by 52 votes to 8, with 5 abstentions and it decided to retain the end of the paragraph from the word "appoint" by 60 votes to none, with 3 abstentions.

New paragraph 3 (oral amendment by the Ivory Coast)

The Committee of the Whole adopted the new proposed paragraph by 59 votes to none, with 5 abstentions.

Article 8 as a whole as amended

The Committee of the Whole adopted article 8 as a whole, as amended, by 60 votes to none, with 5 abstentions and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

89. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 8 adopted by the Drafting Committee. (For the text, see para. 91 below.)

90. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

91. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 8:

Article 8. Multiple accreditation or appointment

1. The sending State may accredit the same person as head of mission to two or more international organizations or appoint a head of mission as a member of the diplomatic staff of another of its missions.

2. The sending State may accredit a member of the diplomatic staff of the mission as head of mission to other international organizations or appoint a member of the staff of the mission as a member of the staff of another of its missions.

3. Two or more States may accredit the same person as head of mission to the same international organization.

ARTICLE 9

[Note: At its 10th meeting, on 12 February 1975, the Committee of the Whole considered a motion by the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.27 as orally revised) to examine the amendments submitted to article 9 by Canada and the United Kingdom (A/CONF.67/C.1/L.18) and by the United States of America (A/CONF.67/C.1/L.28) (see below, para. 94) when article 75 is being examined. On the basis of that motion, the Committee of the Whole decided to consider simultaneously article 9 and the amendments thereto and article 75.

At its 16th meeting, on 17 February 1975, the Committee of the Whole accordingly took up the two articles jointly. Although the discussion related to both articles, the Committee of the Whole only pronounced itself, at

its 17th meeting, on article 9 and the amendments thereto and agreed to take action on article 75 in its proper sequence (see below the section on article 75).]

A. International Law Commission text

92. The International Law Commission text provided as follows:

Article 9. Appointment of the members of the mission

Subject to the provisions of articles 14 and 72, the sending State may freely appoint the members of the mission.

B. Amendments

93. Amendments were submitted to article 9 by Canada and the United Kingdom (A/CONF.67/C.1/L.18) and by the United States of America (A/CONF.67/C.1/L.28). A subamendment by France (A/CONF.67/C.1/L.35) was submitted to the amendment by Canada and the United Kingdom.

94. The amendments and the subamendment were to the following effect:

(a) *Canada and United Kingdom* (A/CONF.67/C.1/L.18):

1. Number existing paragraph "1".
2. Add the following paragraph:

2 (a). The host State may, after consultation with the sending State and the Organization, notify the sending State and the Organization that any member of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared not acceptable before arriving in the territory of the host State.

(b). If the sending State refuses or fails within a reasonable period to recall or terminate the functions of the person concerned, the host State may refuse to recognize that person as a member of the mission.

[Point 1 became inapplicable; with respect to point 2, paragraph 2 (a) was rejected, paragraph 2 (b) was not put to the vote; see para. 96 below.]

(b) Subamendment by *France* (A/CONF.67/C.1/L.35) to the amendment by *Canada* and the *United Kingdom* (A/CONF.67/C.1/L.18):

In paragraph 2, subparagraph (a), replace the words "is not acceptable" by the words "is personally unacceptable".

[This subamendment was adopted, but the amendment to which it applied was subsequently rejected; see para. 96 below.]

(c) *United States of America* (A/CONF.67/C.1/L.28):

1. Number the existing paragraph "1" and amend it to read as follows:

1. Subject to the provisions of articles 14 and 72 and of paragraph 2 of this article, the sending State may freely appoint the members of the mission.

2. Add the following paragraph:

2 (a). In case of abuse of privileges by the head of mission, or by any member of the staff of the mission, in activities performed outside his official capacity, the host State may, after consultation with the sending State and the Organization, notify the sending State and the Organization that the head of mission or any member of the staff of the mission is no longer acceptable to the host State. In any case, the sending State shall, as

appropriate, either recall the person concerned or terminate his functions with the mission. In application of the criteria referred to in this paragraph, a person may be declared not acceptable before arriving in the territory of the host State.

(b). If the sending State refuses or fails within a reasonable period to recall or terminate the functions of the person concerned, the host State may refuse to recognize that person as a member of the mission.

[Point 1 became inapplicable; with respect to point 2, paragraph 2 (a) was rejected and paragraph 2 (b) was not put to the vote; see para. 96 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

95. The Committee of the Whole initially considered article 9 at its 16th and 17th meetings, on 17 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

96. At its 17th meeting, the Committee of the Whole voted as follows on article 9 and the amendments thereto:

(a) It adopted the subamendment by France (A/CONF.67/C.1/L.35) to the amendment by Canada and the United Kingdom (A/CONF.67/C.1/L.18) by 28 votes to 26, with 13 abstentions;

(b) Turning to point 2 of the amendment by Canada and the United Kingdom (A/CONF.67/C.1/L.18), it took a separate vote on the last sentence of paragraph 2 (a) and rejected it by 36 votes to 27, with 4 abstentions. It then rejected the remainder of paragraph 2 (a) by a roll-call vote of 32 votes to 25, with 12 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Khmer Republic, Madagascar, Netherlands, Norway, Republic of Korea, Republic of Viet-Nam, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Egypt, El Salvador, German Democratic Republic, Guatemala, Hungary, India, Iraq, Kuwait, Liberia, Libyan Arab Republic, Mexico, Mongolia, Oman, Pakistan, Peru, Poland, Qatar, Romania, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia.

Abstentions: Greece, Holy See, Lebanon, Malaysia, Mali, Morocco, Niger, Nigeria, Philippines, Tunisia, Turkey, United Republic of Cameroon.

Paragraph 2 (b) of the amendment was not put to the vote.

(c) Passing to point 2 of the amendment by the United States of America (A/CONF.67/C.1/L.28), the Committee of the Whole took a separate vote on the last sentence of paragraph 2 (a) and rejected it by 36

votes to 28 with 3 abstentions. It then rejected the remainder of paragraph 2 (a) by a roll-call vote of 32 votes to 27 with 10 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Khmer Republic, Madagascar, Malaysia, Netherlands, Norway, Philippines, Republic of Korea, Republic of Viet-Nam, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Ecuador, El Salvador, German Democratic Republic, Guatemala, Hungary, India, Iraq, Liberia, Libyan Arab Republic, Mali, Mexico, Mongolia, Nigeria, Oman, Pakistan, Peru, Poland, Romania, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia.

Abstentions: Greece, Holy See, Kuwait, Lebanon, Morocco, Niger, Qatar, Tunisia, Turkey, United Republic of Cameroon.

Paragraph 2 (b) was not put to the vote.

(d) The Committee of the Whole then adopted the text of the International Law Commission by a roll-call vote of 41 votes to none, with 28 abstentions. The voting was as follows:

In favour: Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Egypt, El Salvador, German Democratic Republic, Greece, Guatemala, Holy See, Hungary, India, Iraq, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Mali, Mexico, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Peru, Poland, Qatar, Romania, Spain, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstentions: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Khmer Republic, Madagascar, Malaysia, Netherlands, Norway, Philippines, Republic of Korea, Republic of Viet-Nam, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America.

(e) The Committee of the Whole decided without objection to refer the text thus adopted to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

97. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 9 adopted by the Drafting Committee. (For the text, see para. 99 below.)

98. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

99. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 9:

Article 9. Appointment of the members of the mission

Subject to the provisions of articles 14 and 72, the sending State may freely appoint the members of the mission.

ARTICLE 10

A. International Law Commission text

100. The International Law Commission text provided as follows:

Article 10. Credentials of the head of mission

The credentials of the head of mission shall be issued either by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or, if the rules of the Organization so admit, by another competent authority of the sending State and shall be transmitted to the Organization.

B. Amendments

101. An amendment to article 10 was submitted by the Federal Republic of Germany (A/CONF.67/C.1/L.31).⁷

102. This amendment would replace the last word in the article by the words "Chief Executive Officer of the Organization".

[Referred to the Drafting Committee; see para. 104 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

103. The Committee of the Whole initially considered article 10 at its 9th meeting, on 11 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

104. At its 9th meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee together with the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.31).

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

105. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 10 adopted by the Drafting Committee. (For the text, see para. 107 below.)

⁷ Symmetrical amendments were submitted by the Federal Republic of Germany to article 44 (Credentials of delegates) and article D of the annex (Letter of appointment of the observer delegate) under the same symbol.

106. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

107. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 10:

Article 10. Credentials of the head of mission

The credentials of the head of mission shall be issued by the Head of State, by the Head of Government, by the Minister for Foreign Affairs or, if the rules of the Organization so permit, by another competent authority of the sending State and shall be transmitted to the Organization.

ARTICLE 11

A. International Law Commission text

108. The International Law Commission text provided as follows:

Article 11. Accreditation to organs of the Organization

1. A member State may specify in the credentials issued to its permanent representative that he is authorized to act as a delegate to one or more organs of the Organization.

2. Unless a member State provides otherwise its permanent representative may act as a delegate to organs of the Organization for which there are no special requirements as regards representation.

3. A non-member State may specify in the credentials issued to its permanent observer that he is authorized to act as an observer delegate to one or more organs of the Organization when this is admitted.

B. Amendments

109. No amendment was submitted to article 11.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

110. The Committee of the Whole initially considered article 11 at its 9th meeting, on 11 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

111. At the same meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

112. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 11 adopted by the Drafting Committee. (For the text, see para. 114 below.)

113. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

114. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 11:

Article 11. Accreditation to organs of the Organization

1. A member State may specify in the credentials issued to its permanent representative that he is authorized to act as a delegate to one or more organs of the Organization

2. Unless a member State provides otherwise its permanent representative may act as a delegate to organs of the Organization for which there are no special requirements as regards representation.

3. A non-member State may specify in the credentials issued to its permanent observer that he is authorized to act as an observer delegate to one or more organs of the Organization when this is permitted by the rules of the Organization or the organ concerned.

ARTICLE 12

A. International Law Commission text

115. The International Law Commission text provided as follows:

Article 12. Full powers in the conclusion of a treaty with the Organization

1. The head of mission in virtue of his functions and without having to produce full powers is considered as representing his State for the purpose of adopting the text of a treaty between that State and the Organization.

2. The head of mission is not considered in virtue of his functions as representing his State for the purpose of signing a treaty, whether in full or *ad referendum*, between that State and the Organization unless it appears from the practice of the Organization, or from other circumstances, that the intention of the parties was to dispense with full powers.

B. Amendments

116. Amendments were submitted to article 12 by Spain (A/CONF.67/C.1/L.6) and the United States of America (A/CONF.67/C.1/L.29).

117. These amendments were to the following effect:

(a) *Spain* (A/CONF.67/C.1/L.6):

Delete the article.

[Rejected; see para. 119 below.]

(b) *United States of America* (A/CONF.67/C.1/L.29):

Substitute in paragraph 1 for the words "head of mission" the words "permanent representative".

[Rejected; see para. 119 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

118. The Committee of the Whole initially considered article 12 at its 9th meeting, on 11 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

119. At the same meeting, the Committee of the Whole rejected the amendment by Spain (A/CONF.67/C.1/L.6) by 36 votes to 16, with 11 abstentions; it rejected the amendment by the United States of America (A/CONF.67/C.1/L.29) by 35 votes to 5, with 19 abstentions. It then adopted the text of the International Law Commission by 48 votes to none, with 14 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

120. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 12 adopted by the Drafting Committee. (For the text, see para. 122 below.)

121. The Committee of the Whole did not make any change in the English and French versions of this text. A slight editorial change was made in the Spanish and Russian versions.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

122. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 12:

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

1. The head of mission, by virtue of his functions and without having to produce full powers, is considered as representing his State for the purpose of adopting the text of a treaty between that State and the Organization.

2. The head of mission is not considered by virtue of his functions as representing his State for the purpose of signing a treaty, or signing a treaty *ad referendum*, between that State and the Organization unless it appears from the practice of the Organization, or from other circumstances, that the intention of the parties was to dispense with full powers.

ARTICLE 13

A. International Law Commission text

123. The International Law Commission text provided as follows:

Article 13. Composition of the mission

In addition to the head of mission, the mission may include diplomatic staff, administrative and technical staff and service staff.

B. Amendments

124. An amendment was submitted to article 13 by the United States of America (A/CONF.67/C.1/L.30).

125. This amendment, as orally revised,⁸ sought to amend article 13 to read as follows:

In addition to the head of mission, the mission may include such members of the staff possessing diplomatic rank, administrative and technical staff and service staff, as may be appropriate to the functions of the mission.

[Withdrawn; see para. 127 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

126. The Committee of the Whole initially considered article 13 at its 10th meeting, on 12 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

127. At the 10th meeting of the Committee of the Whole, the amendment by the United States of America (A/CONF.67/C.1/L.30, as orally revised) was withdrawn.

128. At the same meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

129. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 13 adopted by the Drafting Committee. (For the text, see para. 131 below.)

130. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

131. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 13:

Article 13. Composition of the mission

In addition to the head of mission, the mission may include diplomatic staff, administrative and technical staff and service staff.

ARTICLE 14

A. International Law Commission text

132. The International Law Commission text provided as follows:

⁸ In its original version, the amendment read as follows:
"Amend article 13 to read as follows:

"1. In addition to the permanent representative, the permanent mission may include diplomatic staff, administrative and technical staff, and service staff.

"2. In addition to the permanent observer, the permanent observer mission may include such observer staff, administrative and technical staff, and service staff, as may be necessary."

Article 14. Size of the mission

The size of the mission shall not exceed what is reasonable and normal, having regard to the functions of the Organization, the needs of the particular mission and the circumstances and conditions in the host State.

B. Amendments

133. An amendment was submitted to article 14 by Canada and the United States of America (A/CONF.67/C.1/L.33).

134. This amendment sought to insert the words "as may be agreed upon between the sending State, the host State and the Organization," after the words "reasonable and normal".

[Rejected; see para. 136 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

135. The Committee of the Whole initially considered article 14 at its 10th and 11th meetings of 12 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

136. At its 11th meeting, the Committee of the Whole rejected the amendment by Canada and the United States of America (A/CONF.67/C.1/L.33) by 27 votes to 24, with 10 abstentions. It then adopted the text of the International Law Commission by 60 votes to none, with 1 abstention, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

137. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 14 adopted by the Drafting Committee. (For the text, see para. 139 below.)

138. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

139. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 14:

Article 14. Size of the mission

The size of the mission shall not exceed what is reasonable and normal, having regard to the functions of the Organization, the needs of the particular mission and the circumstances and conditions in the host State.

ARTICLE 15

A. International Law Commission text

140. The International Law Commission text provided as follows:

Article 15. Notifications

1. The sending State shall notify the Organization of:

(a) the appointment, position, title and order of precedence of the members of the mission, their arrival and final departure or the termination of their functions with the mission;

(b) the arrival and final departure of any person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission;

(c) the arrival and final departure of persons employed on the private staff of members of the mission and the fact that they are leaving that employment;

(d) the beginning and the termination of the employment of persons resident in the host State as members of the staff of the mission or as persons employed on the private staff;

(e) the location of the premises of the mission and of the private residences enjoying inviolability under articles 23 and 29, as well as any other information that may be necessary to identify such premises and residences.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization shall transmit to the host State the notifications referred to in paragraphs 1 and 2.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2.

B. Amendments

141. Amendments were submitted to article 15 by the Federal Republic of Germany (A/CONF.67/C.1/L.32), the United Republic of Cameroon (A/CONF.67/C.1/L.36), the United Kingdom (A/CONF.67/C.1/L.37) and France (A/CONF.67/C.1/L.38).

142. These amendments were to the following effect:

(a) *Germany (Federal Republic of)* (A/CONF.67/C.1/L.32):

1. At the beginning of paragraph 1 (b), after the words "member of the mission", insert the words "and forming part of his household".

2. At the end of the subparagraph, add the words "as far as such a person forms part of his household".

[Adopted; see para. 145 below.]

(b) *United Republic of Cameroon* (A/CONF.67/C.1/L.36):

1. Replace paragraph 1 by the following:

1. The sending State shall give prior or ordinary notifications to the Organization as follows:

(a) Prior notification:

(1) Prior notification shall be mandatory in the following cases:

- (i) the arrival of the permanent representative or of the chargé d'affaires *ad interim*;
- (ii) the final departure of members of the mission.

(2) It shall be optional in the following cases:

- (i) the arrival of members of the mission other than the permanent representative and the chargé d'affaires *ad interim*;
- (ii) the final departure of any member of the family of a member of the mission;
- (iii) the beginning of the employment of persons resident in the host State as members of the mission.

(b) Ordinary notification:

Ordinary notification shall be given in other cases, e.g.:

- (i) the appointment, post, title and order of precedence of members of the mission and the end of their functions in the mission;
- (ii) the fact that a person becomes or ceases to be a member of the family of a member of the mission;
- (iii) the beginning of the employment of persons resident in the host State as persons on the private staff;
- (iv) the local arrest or prosecution by the mission of persons resident in the host State who are employed in the mission;
- (v) the location of the premises of the mission and of the private residences enjoying inviolability under articles 23 and 29, as well as any information that may be necessary to identify such premises and residences.

2. Delete paragraph 2.

3. Replace paragraph 3 by the following:

2. The Organization shall transmit to the host State the notifications referred to in paragraph 1 above.

4. Replace paragraph 4 by the following:

3. The sending State may also transmit these notifications direct to the host State.

[Withdrawn; see para. 144 below.]

(c) *United Kingdom* (A/CONF.67/C.1/L.37):

1. Replace paragraph 1 (a) by the following:

The appointment, position, title and order of precedence of the members of the mission, their arrival, their final departure or the termination of their functions with the mission, and any other changes affecting their status that may occur in the course of their service with the mission.

2. Replace paragraphs 3 and 4 by the following:

The sending State shall send to the host State the notifications referred to in paragraphs 1 and 2 of this article at the same time as they are transmitted to the Organization.

[Point 1 was adopted and point 2 rejected; see para. 145 below.]

(d) *France* (A/CONF.67/C.1/L.38):

1. In paragraph 1, add the words "in advance" after "Organization".

2. Delete paragraph 2.

3. Replace paragraph 3 by a new paragraph 2 reading as follows:

2. The Organization shall transmit to the host State in advance the information referred to in paragraph 1.

4. Replace the paragraph by a paragraph 3 reading as follows:

3. The sending State may also transmit to the host State the notifications mentioned in paragraph 1.

[Point 1 was rejected and points 2, 3 and 4 were withdrawn; see para. 145 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

143. The Committee of the Whole initially considered article 15 at its 11th meeting, on 12 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

144. At the 11th meeting of the Committee of the Whole, the amendment by the United Republic of Cameroon (A/CONF.67/C.1/L.32) was withdrawn.

145. At the same meeting, the Committee of the Whole voted as follows on article 15 and the amendments thereto:

(a) It rejected the amendment by France to paragraph 1 (A/CONF.67/C.1/L.38) by 30 votes to 14, with 22 abstentions. In view of that decision, the other amendments submitted by France to article 15 were not pressed to the vote;

(b) It rejected the amendment by the United Kingdom to paragraphs 3 and 4 (A/CONF.67/C.1/L.37) by 31 votes to 17, with 18 abstentions;

(c) It adopted the amendment by the United Kingdom to paragraph 1(a) (A/CONF.67/C.1/L.37) by 54 votes to none, with 11 abstentions;

(d) It adopted the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.32) by 51 votes to none, with 8 abstentions;

(e) It adopted article 15 as a whole, as amended, by 61 votes to 2, with 3 abstentions and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

146. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 15 adopted by the Drafting Committee. (For the text, see para. 148 below.)

147. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

148. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 15:

Article 15. Notifications

1. The sending State shall notify the Organization of:

(a) the appointment, position, title and order of precedence of the members of the mission, their arrival, their final departure or the termination of their functions with the mission, and any other changes affecting their status that may occur in the course of their service with the mission;

(b) the arrival and final departure of any person belonging to the family of a member of the mission and forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;

(c) the arrival and final departure of persons employed on the private staff of members of the mission and the termination of their employment as such;

(d) the beginning and the termination of the employment of persons resident in the host State as members of the staff of the mission or as persons employed on the private staff;

(e) the location of the premises of the mission and of the private residences enjoying inviolability under articles 23 and 29, as well as any other information that may be necessary to identify such premises and residences.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization shall transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

ARTICLE 16

A. International Law Commission text

149. The International Law Commission text provided as follows:

Article 16. Chargé d'affaires ad interim

If the post of head of mission is vacant, or if the head of mission is unable to perform his functions, a chargé d'affaires *ad interim* shall act as head of mission. The name of the chargé d'affaires *ad interim* shall be notified to the Organization.

B. Amendments

150. Amendments were submitted to article 16 by the United Kingdom (A/CONF.67/C.1/L.11) and the United Republic of Cameroon (A/CONF.67/C.1/L.34).

151. These amendments were to the following effect:

(a) *United Kingdom* (A/CONF.67/C.1/11,⁹ as orally revised):¹⁰

Replace the present text by the following:

If the post of head of mission is vacant, or if the head of mission is unable to perform his functions, the sending State may appoint an acting head of mission whose name shall be notified to the Organization, and by the Organization to the host State, without delay.

[Adopted, subject to the deletion of the words "without delay"; see para. 153 below.]

(b) *United Republic of Cameroon* (A/CONF.67/C.1/L.34):

Replace the present text by:

1. If the post of head of mission is vacant, or if the head of mission is unable to perform his functions, the sending State shall appoint a chargé d'affaires *ad interim* to act as head of mission.

2. If the head of mission is absent, he shall likewise be replaced by a chargé d'affaires *ad interim*, appointed in this case either by the sending State or, where the rules in force in the Organization and in the sending State so admit, by the holder of the post.

3. In both of these cases, the name of the chargé d'affaires *ad interim* shall be notified to the Organization, which shall inform the host State.

4. The Organization and the host State shall be informed through the same channel when the functions of the chargé d'affaires *ad interim* come to an end.

[Not put to the vote; see para. 153 below.]

⁹ Document A/CONF.67/C.1/L.11 also contained an amendment to article 1, paragraph 1 (16). It is reproduced in the section relating to article 1. The document contained the following comment: "It is inappropriate in the present context to use the term '*Chargé d'affaires ad interim*'."

¹⁰ In the original version of the amendment, the last part of the formulation proposed, from the words "shall be notified", read as follows: "shall be notified to the host State and the Organization without delay".

C. Proceedings of the Committee of the Whole

(i) MEETINGS

152. The Committee of the Whole initially considered article 16 at its 12th meeting, on 13 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

153. At its 12th meeting, the Committee of the Whole took separate votes on the amendment by the United Kingdom (A/CONF.67/C.1/L.11, as orally revised) as follows:

(a) It adopted the first part of the text up to the words "to the Organization" by 35 votes to 19, with 10 abstentions;

(b) It adopted the words "and by the Organization to the host State" by 40 votes to 9, with 13 abstentions;

(c) It rejected the words "without delay" by 24 votes to 24, with 18 abstentions;

(d) It adopted the orally revised amendment by the United Kingdom, as amended, by 42 votes to 9, with 14 abstentions;

(e) It decided without objection to refer the text adopted to the Drafting Committee, it being understood that the title of the article would have to be reviewed by the Drafting Committee in the light of the changes made in the text.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

154. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 16 adopted by the Drafting Committee. (For the text, see para. 156 below.)

155. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

156. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 16:

Article 16. Acting head of mission

If the post of head of mission is vacant, or if the head of mission is unable to perform his functions, the sending State may appoint an acting head of mission whose name shall be notified to the Organization and by it to the host State.

ARTICLE 17

A. International Law Commission text

157. The International Law Commission text provided as follows:

Article 17. Precedence

1. Precedence among permanent representatives shall be determined by the alphabetical order of the names of the States used in the Organization.

2. Precedence among permanent observers shall be determined by the alphabetical order of the names of the States used in the Organization.

B. Amendments

158. Amendments were submitted to article 17 by the Federal Republic of Germany and Pakistan (A/CONF.67/C.1/L.45)¹¹ and, orally, by Venezuela.

159. These amendments were to the following effect:

(a) *Germany (Federal Republic of) and Pakistan* (A/CONF.67/C.1/L.45):

Replace the present text by the following:

1. Precedence among permanent representatives shall be determined by the order of the date and time of taking up their functions in the Organization.

2. Precedence among permanent observers shall be determined by the order of the date and time of taking up their functions in the Organization.

[The principle embodied in that amendment was rejected; see para. 161 below.]

(b) *Venezuela* (oral amendment):

Add the following sentence at the end of paragraph 1: "However, in matters relating strictly to protocol or etiquette, precedence may be established on the basis of the date and time of submission of credentials by permanent representatives."

[The principle embodied in that amendment was rejected; see para. 161 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

160. The Committee of the Whole initially considered article 17 at its 12th and 13th meetings, on 13 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

161. At its 13th meeting, the Committee of the Whole voted as follows on the principle embodied in the two amendments before it and in the International Law Commission text:

(a) It rejected the principle embodied in the amendment by the Federal Republic of Germany and Pakistan (A/CONF.67/C.1/L.45) by 24 votes to 15, with 24 abstentions;

¹¹ The Federal Republic of Germany had originally submitted an amendment (A/CONF.67/C.1/L.40) which read as follows: "Replace the present article by the following:

"1. Precedence among permanent representatives shall be determined by the order of the date and time of taking up their functions in accordance with articles 10 and 15.

"2. Precedence among permanent observers shall be determined accordingly."

At the 12th meeting of the Committee of the Whole, the representative of the Federal Republic of Germany announced that he was withdrawing this amendment and was becoming a sponsor of the amendment contained in document A/CONF.67/C.1/L.45.

(b) It rejected the principle embodied in the oral amendment by Venezuela by 23 votes to 14, with 26 abstentions;

(c) It adopted the principle embodied in the International Law Commission text by 26 votes to 23, with 15 abstentions, and decided without objection to refer the text of the International Law Commission to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

162. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 17 adopted by the Drafting Committee. (For the text, see para. 164 below.)

163. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

164. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 17:

Article 17. Precedence

1. Precedence among permanent representatives shall be determined by the alphabetical order of the names of the States used in the Organization.

2. Precedence among permanent observers shall be determined by the alphabetical order of the names of the States used in the Organization.

ARTICLE 18

A. International Law Commission text

165. The International Law Commission text provided as follows:

Article 18. Office of the mission

The sending State may not, without the prior consent of the host State, establish an office of the mission in a locality within the host State other than that in which the seat or an office of the Organization is established.

B. Amendments

166. An amendment was submitted to article 18 by the Federal Republic of Germany (A/CONF.67/C.1/L.41).

167. This amendment sought to replace the present article by the following:

Missions should be established at the Organization's headquarters. The sending State may establish, with the prior consent of the host State, a mission or an office of a mission in a locality other than the seat of the Organization in which an office of the Organization is established if the rules of the Organization so admit.

[Adopted; see para. 169 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

168. The Committee of the Whole initially consid-

ered the article at its 13th meeting, on 13 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

169. At its 13th meeting, the Committee of the Whole took separate votes on the two sentences of the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.41) as follows:

(a) It adopted the first sentence by 32 votes to none, with 23 abstentions;

(b) It adopted the second sentence by 29 votes to 6, with 26 abstentions;

(c) It adopted the amendment as a whole by 40 votes to 10, with 9 abstentions, and decided without objection to refer the text thus adopted to the Drafting Committee, it being understood that the title of the article would be subject to review by the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

170. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 18 adopted by the Drafting Committee. (For the text, see para. 172 below.)

171. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

172. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 18:

Article 18. Location of the mission

Missions should be established in the locality where the Organization has its seat. However, if the rules of the Organization so permit and with the prior consent of the host State, the sending State may establish a mission or an office of a mission in a locality other than that in which the Organization has its seat.

ARTICLE 19

A. International Law Commission text

173. The International Law Commission text provided as follows:

Article 19. Use of flag and emblem

1. The permanent mission shall have the right to use the flag and emblem of the sending State on its premises. The permanent representative shall have the same right as regards his residence and means of transport.

2. The permanent observer mission shall have the right to use the flag and emblem of the sending State on its premises.

3. In the exercise of the right accorded by this article, regard shall be had to the laws, regulations and usages of the host State.

B. Amendments

174. An amendment was submitted to article 19 by Czechoslovakia and Mongolia (A/CONF.67/C.1/L.43).

175. This amendment was to the following effect:

1. Combine paragraphs 1 and 2 to form a paragraph reading as follows:

1. The mission shall have the right to use the flag and emblem of the sending State on its premises. The head of mission shall have the same right as regards his residence and means of transport.

2. Renumber paragraph 3 as paragraph 2.

[Adopted; see para. 177 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

176. The Committee of the Whole initially considered article 19 at its 13th meeting, on 13 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

177. At its 13th meeting, the Committee of the Whole adopted the amendment by Czechoslovakia and Mongolia (A/CONF.67/C.1/L.43) by 44 votes to 1, with 20 abstentions, and decided without objection to refer the text thus adopted to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

178. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/L.1/Rev.1) containing the text of article 19 adopted by the Drafting Committee. (For the text see para. 180 below.)

179. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

180. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 19:

Article 19. Use of flag and emblem

1. The mission shall have the right to use the flag and emblem of the sending State on its premises. The head of mission shall have the same right as regards his residence and means of transport.

2. In the exercise of the right accorded by this article regard shall be had to the laws, regulations and usages of the host State.

ARTICLE 20

A. International Law Commission text

181. The International Law Commission text provided as follows:

Article 20. General facilities

1. The host State shall accord:

(a) to the permanent mission all facilities for the performance of its functions;

(b) to the permanent observer mission the facilities required for the performance of its functions.

2. The Organization shall assist the mission in obtaining those facilities and shall accord to the mission such facilities as lie within its own competence.

B. Amendments

182. Amendments were submitted to article 20 by the Netherlands and Switzerland (A/CONF.67/C.1/L.39) and by Czechoslovakia and Mongolia (A/CONF.67/C.1/L.44). A joint oral amendment replacing these two amendments was subsequently submitted by the four States concerned.

183. These amendments were to the following effect:

(a) *Netherlands and Switzerland* (A/CONF.67/C.1/L.39):

Replace the text of paragraph 1 by the following:

1. The host State shall accord to the mission the facilities required for the performance of its functions.

[Replaced by a joint oral amendment; see para. 185 below.]

(b) *Czechoslovakia and Mongolia* (A/CONF.67/C.1/L.44):

In paragraph 1(b) replace "the facilities required" by "all facilities".

[Replaced by a joint oral amendment; see para. 185 below.]

(c) *Czechoslovakia, Mongolia, Netherlands and Switzerland* (oral amendment):

Replace paragraph 1 by the following:

1. The host State shall accord to the mission all the facilities required for the performance of its functions.

[Adopted; see para. 186 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

184. The Committee of the Whole initially considered article 20 at its 13th meeting, on 13 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

185. At the 13th meeting of the Committee of the Whole, the sponsors of the amendments contained in documents A/CONF.67/C.1/L.39 and A/CONF.67/C.1/L.44 replaced these amendments by a joint oral amendment.

186. The Committee of the Whole adopted that amendment by 60 votes to none, with 2 abstentions. It then adopted unanimously article 20 as a whole, as amended, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

187. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Com-

mittee (A/CONF.67/C.1/1/Rev.1) containing the text of article 20 adopted by the Drafting Committee. (For the text, see para. 189 below.)

188. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

189. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 20:

Article 20. General facilities

1. The host State shall accord to the mission all necessary facilities for the performance of its functions.
2. The Organization shall assist the mission in obtaining those facilities and shall accord to the mission such facilities as lie within its own competence.

ARTICLE 21

A. International Law Commission text

190. The International Law Commission text provided as follows:

Article 21. Premises and accommodation

1. The host State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for the mission or assist the sending State in obtaining accommodation in some other way.
2. The host State and the Organization shall also, where necessary, assist the mission in obtaining suitable accommodation for its members.

B. Amendments

191. Amendments were submitted to article 21 by the Federal Republic of Germany (A/CONF.67/C.1/L.42) and the Netherlands (A/CONF.67/C.1/L.47). An oral amendment was submitted by Venezuela. An oral subamendment to the amendment by the Netherlands (A/CONF.67/C.1/L.47) was submitted also by Venezuela.

192. These amendments were to the following effect:

(a) *Germany (Federal Republic of)* (A/CONF.67/C.1/L.42):

In paragraph 2, insert after the word "accommodation" the words "at equitable conditions".

[Adopted; see para. 195 below.]

(b) *Netherlands* (A/CONF.67/C.1/L.47, as orally revised):¹²

Replace the present article by the following text:

1. The Organization and the host State shall assist the sending State in obtaining premises necessary for the mission on the territory of the host State. The host State shall facilitate, where necessary and in accordance with its laws, the acquisition of such premises.
2. The Organization and the host State shall also, where necessary, assist the mission in obtaining suitable accommodation for its members.

[The first paragraph was adopted in an amended version and the second paragraph was withdrawn; see paras. 194 and 195 below.]

(c) *Venezuela* (oral subamendment to the orally revised amendment by the Netherlands):

In paragraph 1, replace the words "The Organization and the host State" by the words "The host State and the Organization".

[Adopted; see para. 195 below.]

(d) *Venezuela* (oral amendment):

Insert in paragraph 1 the principle embodied in the amendment by the Federal Republic of Germany to paragraph 2 (A/CONF.67/C.1/L.42).

[Adopted; see para. 195 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

193. The Committee of the Whole initially considered article 21 at its 14th meeting, on 14 February. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

194. At the 14th meeting of the Committee of the Whole, paragraph 2 of the amendment by the Netherlands was withdrawn.

195. At the same meeting, the Committee of the Whole voted as follows on article 21 and the amendments and the subamendment thereto:

(a) It took a separate vote on the words "The Organization and" in paragraph 1 of the orally revised amendment by the Netherlands and adopted those words by 31 votes to 16, with 13 abstentions;

(b) It adopted the oral subamendment by Venezuela to the orally revised amendment by the Netherlands by 35 votes to 10, with 13 abstentions;

(c) It took a separate vote on the two sentences of the orally revised amendment by the Netherlands: it adopted the first sentence by 41 votes to 2, with 14 abstentions and the second sentence by 36 votes to 10, with 11 abstentions;

(d) It adopted paragraph 2 of the International Law Commission text by 48 votes to 1, with 2 abstentions;

(e) It adopted the amendment by the Federal Republic of Germany to paragraph 2 (A/CONF.67/C.1/L.42) by 45 votes to 3, with 13 abstentions;

(f) It adopted the oral amendment by Venezuela by 35 votes to none, with 23 abstentions;

(g) It adopted the article as a whole, as amended, by 55 votes to none, with 4 abstentions and decided without objection to refer the text adopted to the Drafting Committee, it being understood that the Drafting Committee would review the wording of the amendment by the Federal Republic of Germany to paragraph 2 and insert that same amendment in paragraph 1 at a place it would deem appropriate.

¹² In the original version, the beginning of paragraph 1 read "The Organization shall assist".

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

196. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 21 adopted by the Drafting Committee. (For the text, see para. 198 below.)

197. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

198. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 21:

Article 21. Premises and accommodation

1. The host State and the Organization shall assist the sending State in obtaining on reasonable terms premises necessary for the mission in the territory of the host State. Where necessary, the host State shall facilitate in accordance with its laws the acquisition of such premises.

2. Where necessary, the host State and the Organization shall also assist the mission in obtaining on reasonable terms suitable accommodation for its members.

ARTICLE 22

A. International Law Commission text

199. The International Law Commission text provided as follows:

*Article 22. Assistance by the Organization in respect of
privileges and immunities*

The Organization shall, where necessary, assist the sending State, the mission and the members of the mission in securing the enjoyment of the privileges and immunities provided for by the present articles.

B. Amendments

200. Amendments were submitted to article 22 by Austria (A/CONF.67/C.1/L.49) and by Belgium, Japan and the United States of America (A/CONF.67/C.1/L.52).

201. These amendments were to the following effect:

(a) *Austria* (A/CONF.67/C.1/L.49 as orally revised):¹⁸

1. Number the existing paragraph "1".

2. Add the following paragraph:

2. The Organization shall, where necessary, assist the host State in securing the discharge of obligations of the sending State concerning privileges and immunities under the present Convention.

[Adopted; see para. 204 below.]

(b) *Belgium, Japan and United States of America* (A/CONF.67/C.1/L.52):

Add a new paragraph reading as follows:

The Organization shall be invited, where necessary, to assist the host State in preventing abuses of the privileges and immunities provided for by the present articles.

[Withdrawn; see para. 203 below.]

¹⁸ In the original version of the amendment, the words "concerning privileges and immunities" did not appear.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

202. The Committee of the Whole initially considered article 22 at its 14th and 15th meetings, 14 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

203. At the 15th meeting of the Committee of the Whole, the amendment by Belgium, Japan and the United States of America (A/CONF.67/C.1/L.52) was withdrawn.

204. At the same meeting, the Committee of the Whole unanimously adopted the orally revised amendment by Austria (A/CONF.67/C.1/L.49). It adopted, also unanimously, the article as a whole as amended and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

205. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 22 adopted by the Drafting Committee. (For the text, see para. 207 below.)

206. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

207. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 22:

*Article 22. Assistance by the Organization in respect of
privileges and immunities*

1. The Organization shall, where necessary, assist the sending State, its mission and the members of its mission in securing the enjoyment of the privileges and immunities provided for under the present Convention.

2. The Organization shall, where necessary, assist the host State in securing the discharge of the obligations of the sending State, its mission and the members of its mission in respect of the privileges and immunities provided for under the present Convention.

ARTICLE 23

A. International Law Commission text

208. The International Law Commission text provided as follows:

Article 23. Inviolability of the premises

1. The premises of the mission shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of mission. Such consent may be assumed in case of fire or other disaster that seriously endangers public safety, and only in the event that it has not been possible to obtain the express consent of the head of mission.

2. The host State is under a special duty to take all appro-

prate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

B. Amendments

209. Amendments were submitted to article 23 by Cuba, Iraq, Mongolia, Poland, Romania and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.46), France (A/CONF.67/C.1/L.50) and the United States of America (A/CONF.67/C.1/L.53).

210. These amendments were to the following effect:

(a) *Cuba, Iraq, Mongolia, Poland, Romania and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.46):

Delete the third sentence of paragraph 1, beginning with the words "Such consent may be assumed. . .". The paragraph would thus read:

1. The premises of the mission shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of mission.

[Rejected; see para. 213 below.]

(b) *France* (A/CONF.67/C.1/L.50):

In paragraph 1, replace the phrase "that seriously endangers public safety" by the phrase "requiring prompt protective action".

[Not put to the vote; see para. 213 below.]

(c) *United States of America* (A/CONF.67/C.1/L.53 as orally revised):¹⁴

1. Delete the third sentence of paragraph 1 and insert in its place the following sentence (orally revised formulation):¹⁴

The consent of the head of the mission may, however, be assumed in case of fire or other disaster seriously endangering public safety and requiring prompt protective action.

2. At the end of paragraph 3, add the following sentence:

The host State may however move a motor vehicle of the mission in the event it is creating a serious public hazard or endangering public safety.

[Point 1 was adopted and point 2 withdrawn; see paras. 212 and 213 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

211. The Committee of the Whole initially considered article 23 at its 15th meeting, on 14 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

¹⁴ In the original version, the words "seriously endangering public safety and" did not appear in the amendment to paragraph 1.

(ii) INITIAL CONSIDERATION

212. At the 15th meeting of the Committee of the Whole, point 2 of the amendment by the United States of America (A/CONF.67/C.1/L.53) was withdrawn.

213. At the same meeting, the Committee voted as follows on article 23 and the amendments thereto:

(a) It rejected the amendment by Cuba, Iraq, Mongolia, Poland, Romania and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.46) by a roll-call vote of 27 votes to 22, with 14 abstentions. The voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Egypt, German Democratic Republic, Hungary, India, Iraq, Ivory Coast, Lebanon, Libyan Arab Republic, Mali, Mongolia, Morocco, Poland, Romania, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Austria, Belgium, Brazil, Canada, Ecuador, Finland, France, Germany (Federal Republic of), Greece, Ireland, Israel, Italy, Japan, Liberia, Netherlands, Nigeria, Norway, Philippines, Republic of Korea, Republic of Viet-Nam, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

Abstentions: Argentina, Holy See, Indonesia, Khmer Republic, Kuwait, Madagascar, Malaysia, Mexico, Niger, Pakistan, Peru, Turkey, Republic of Cameroon, Venezuela.

(b) It adopted point 1 of the amendment by the United States of America as orally revised (A/CONF.67/C.1/L.53) by 33 votes to 18, with 12 abstentions;

(c) It adopted the article as a whole, as amended, by 41 votes to 13, with 8 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

214. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 23 adopted by the Drafting Committee. (For the text, see para. 216 below.)

215. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

216. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 23:

Article 23. Inviolability of premises

1. The premises of the mission shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of mission. The consent of the head of mission may, however, be assumed in the event of fire or other disaster seriously endangering public safety and requiring prompt protective action.

2. (a) The host State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

(b) In case of an attack on the premises of the mission, the host State shall take all appropriate steps to prosecute and punish persons who have committed the attack.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

ARTICLE 24

A. International Law Commission text

217. The International Law Commission text provided as follows:

Article 24. Exemption of the premises from taxation

1. The premises of the mission of which the sending State or any person acting on its behalf is the owner or the lessee shall be exempt from all national, regional or municipal dues and taxes other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the host State by persons contracting with the sending State or any person acting on its behalf.

B. Amendments

218. An amendment was submitted to article 24 by France (A/CONF.67/C.1/L.51).

219. This amendment was to the following effect:

In paragraph 1, delete the phrase "or any person acting on its behalf".

In paragraph 2, delete the phrase "or any person acting on its behalf".

[Withdrawn; see para. 221 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

220. The Committee of the Whole initially considered article 24 at its 18th meeting, on 18 February 1975. At its 47th meeting, on 10 March 1975 the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

221. At the 18th meeting of the Committee of the Whole, the amendment by France (A/CONF.67/C.1/L.51) was withdrawn.

222. At the same meeting, the Committee of the Whole adopted the International Law Commission text and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

223. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 24 adopted by the Drafting Committee as well

as a foot-note relating to that article. (For the text of article 24, see para. 225 below.)

224. The Committee of the Whole did not make any change in this text. In relation to the foot-note accompanying the text, many delegations opposed the insertion of such a foot-note, on the ground that it could appear as being not of a drafting but of an interpretative character and that it was not within the terms of reference of the Drafting Committee to interpret an article. Other delegations supported the insertion of a foot-note relating to article 24. The debate on this point is reflected in the summary record of the 47th meeting.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

225. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 24:

Article 24. Exemption of the premises from taxation

1. The premises of the mission of which the sending State or any person acting on its behalf is the owner or the lessee shall be exempt from all national, regional or municipal dues and taxes other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the host State by persons contracting with the sending State or with any person acting on its behalf.

ARTICLE 25

A. International Law Commission text

226. The International Law Commission text provided as follows:

Article 25. Inviolability of archives and documents

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

B. Amendments

227. No amendment was submitted to article 25.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

228. The Committee of the Whole initially considered article 25 at its 18th meeting, on 18 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

229. At its 18th meeting, the Committee of the Whole adopted the International Law Commission text and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

230. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Com-

mittee (A/CONF.67/C.1/1/Rev.1) containing the text of article 25 adopted by the Drafting Committee. (For the text, see para. 232 below.)

231. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

232. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 25:

Article 25. Inviolability of archives and documents

The archives and documents of the mission shall be inviolable at all times and wherever they may be.

ARTICLE 26

A. International Law Commission text

233. The International Law Commission text provided as follows:

Article 26. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure freedom of movement and travel in its territory to all members of the mission and members of their families forming part of their respective households.

B. Amendments

234. An amendment was submitted to article 26 by Canada (A/CONF.67/C.1/L.48).

235. This amendment sought to add at the end of the present text the words "as is necessary for the performance of the functions of the mission."

[Withdrawn; see para. 237 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

236. The Committee of the Whole initially considered article 26 at its 18th meeting, on 18 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

237. At the 18th meeting of the Committee of the Whole, the amendment by Canada (A/CONF.67/C.1/L.48) was withdrawn.

238. At the same meeting, the Committee of the Whole adopted the International Law Commission text by 52 votes to none, with 10 abstentions and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

239. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Com-

mittee (A/CONF.67/C.1/1/Rev.1) containing the text of article 26 adopted by the Drafting Committee. (For the text, see para. 241 below.)

240. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

241. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 26:

Article 26. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure freedom of movement and travel in its territory to all members of the mission and members of their families forming part of their households.

ARTICLE 27

A. International Law Commission text

242. The International Law Commission text provided as follows:

Article 27. Freedom of communication

1. The host State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, consular posts, permanent missions, permanent observer missions, special missions and delegations, wherever situated, the mission may employ all appropriate means, including couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the host State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The bag of the mission shall not be opened or detained.

4. The packages constituting the bag of the mission must bear visible external marks of their character and may contain only documents or articles intended for the official use of the mission.

5. The courier of the mission, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate couriers *ad hoc* of the mission. In such cases the provisions of paragraph 5 shall also apply, except that the immunities therein mentioned shall cease to apply when the courier *ad hoc* has delivered to the consignee the mission's bag in his charge.

7. The bag of the mission may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the mission. By arrangement with the appropriate authorities of the host State, the mission may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

B. Amendments

243. An amendment was submitted to article 27 by Kuwait (A/CONF.67/C.1/L.54).

244. This amendment was to the following effect:

Replace the text of paragraph 3 by the following:

3 (a) The bag of the mission shall not be opened or detained. Should the host State have reason to believe that a bag contains articles other than those intended for the official use of the mission, it may request that such bag be opened for inspection in the presence of a representative of the mission.

(b) If the mission refuses to comply with such a request such bag will be returned to the place of origin.

[Adopted; see para. 246 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

245. The Committee of the Whole initially considered article 27 at its 18th meeting, on 18 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

246. At its 18th meeting, the Committee of the Whole adopted the amendment by Kuwait (A/CONF.67/C.1/L.54) by 34 votes to 8, with 21 abstentions. It adopted article 27 as a whole as amended by 45 votes to none, with 19 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

247. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 27 adopted by the Drafting Committee. (For the text, see para. 249 below.)

248. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

249. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 27:

Article 27. Freedom of communication

1. The host State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, consular posts, permanent missions, permanent observer missions, special missions, delegations and observer delegations, wherever situated, the mission may employ all appropriate means, including couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the host State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The bag of the mission shall not be opened or detained. However, should the host State have serious reason to believe that a bag contains articles other than those intended for the official use of the mission, it may request that such bag be opened for inspection in the presence of a representative of the mission. If the mission refuses to comply with such a request, the bag shall be returned to the place of origin.

4. The packages constituting the bag of the mission must bear visible external marks of their character and may contain only documents or articles intended for the official use of the mission.

5. The courier of the mission, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate couriers *ad hoc* of the mission. In such cases the provisions of paragraph 5 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when the courier *ad hoc* has delivered to the consignee the mission's bag in his charge.

7. The bag of the mission may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the mission. By arrangement with the appropriate authorities of the host State, the mission may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

ARTICLE 28

A. International Law Commission text

250. The International Law Commission text provided as follows:

Article 28. Personal inviolability

The persons of the head of mission and of the members of the diplomatic staff of the mission shall be inviolable. They shall not be liable to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity.

B. Amendments

251. Amendments were submitted to article 28 by the Ukrainian Soviet Socialist Republic (A/CONF.67/C.1/L.58) and orally by Egypt.

252. These amendments were to the following effect:

(a) *Ukrainian Soviet Socialist Republic* (A/CONF.67/C.1/L.58 as orally revised):¹⁵

1. Number the existing provision as paragraph "1".
2. Add the following paragraph (orally revised formulation):¹⁵

2. In case such an attack occurs, the host State shall take immediate and effective measures to seek and punish the persons who are guilty of such an attack.

[Withdrawn; see para. 254 below.]

¹⁵ In its original version the proposed new paragraph read as follows:

"2. In case such an attack occurs, the host State shall carry out an investigation, and shall prosecute and punish, through judicial proceedings persons guilty of committing such criminal acts. In that connexion, members of the mission shall not be required to make any personal written or oral statement or complaint.

"3. The host State may not invoke provisions of its domestic law to justify non-fulfilment of the obligation mentioned in paragraph 2."

(b) *Egypt* (oral amendment):

After the word "prevent" insert the words "prosecute and punish".

[Adopted; see para. 255 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

253. The Committee of the Whole initially considered article 28 at its 18th and 19th meetings, on 18 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

254. At the 19th meeting of the Committee of the Whole, the amendment by the Ukrainian Soviet Socialist Republic (A/CONF.67/C.1/L.58 as orally revised) was withdrawn.

255. At the same meeting, the Committee of the Whole adopted the oral amendment by Egypt by 39 votes to 13, with 15 abstentions. It adopted the article as a whole as amended by 51 votes to 1, with 12 abstentions and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

256. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 28 adopted by the Drafting Committee. (For the text, see para. 258 below.)

257. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

258. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 28:

Article 28. Personal inviolability

The persons of the head of mission and of the members of the diplomatic staff of the mission shall be inviolable. They shall not be liable to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity and to prosecute and punish persons who have committed such attacks.

ARTICLE 29**A. International Law Commission text**

259. The International Law Commission text provided as follows:

Article 29. Inviolability of residence and property

1. The private residence of the head of mission and of the members of the diplomatic staff of the mission shall enjoy the same inviolability and protection as the premises of the mission.
2. Their papers, correspondence and, except as provided in

paragraph 3 of article 30, their property, shall likewise enjoy inviolability.

B. Amendments

260. An amendment was submitted to article 29 by the Ukrainian SSR (A/CONF.67/C.1/L.63).

261. This amendment, as orally revised,¹⁶ was to the following effect:

In paragraph 1, add the following subparagraph:

In case of an attack on the premises of the mission, the private residence of the head of mission or the residence of a member of the diplomatic staff of the mission, the host State shall take appropriate steps to prosecute and punish the persons guilty of committing the attack.

[Adopted; see para. 263 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

262. The Committee of the Whole initially considered article 29 at its 19th meeting, on 18 February 1975. At its 47th meeting, on 10 March 1975, it considered the report of the Committee of the Whole on this article.

(ii) INITIAL CONSIDERATION

263. At its 19th meeting, the Committee of the Whole adopted the amendment by the Ukrainian SSR (A/CONF.67/C.1/L.63, as orally revised) by 51 votes to 4, with 10 abstentions. It adopted the article as a whole as amended by 55 votes to none, with 11 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

264. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 29 adopted by the Drafting Committee. (For the text, see para. 266 below.)

265. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

266. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 29:

Article 29. Inviolability of residence and property

1. The private residence of the head of mission and of the members of the diplomatic staff of the mission shall enjoy the same inviolability and protection as the premises of the mission.
2. The papers, correspondence and, except as provided in paragraph 2 of article 30, the property of the head of mission or of members of the diplomatic staff of the mission shall also enjoy inviolability.

¹⁶ In the original version of the amendment, the last part of the sentence read "shall take immediate effective steps to find and punish the persons guilty of committing the attack".

ARTICLE 30

A. International Law Commission text

267. The International Law Commission text provided as follows:

Article 30. Immunity from jurisdiction

1. The head of mission and the members of the diplomatic staff of the mission shall enjoy immunity from the criminal jurisdiction of the host State. They shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) a real action relating to private immovable property situated in the territory of the host State unless the person in question holds it on behalf of sending State for the purposes of the mission;

(b) action relating to succession in which the person in question is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the person in question in the host State outside his official functions;

(d) an action for damages arising out of an accident caused by a vehicle used by the person in question outside the exercise of the functions of the mission where those damages are not recoverable from insurance.

2. The head of mission and the members of the diplomatic staff of the mission are not obliged to give evidence as witnesses.

3. No measures of execution may be taken in respect of the head of mission or a member of the diplomatic staff of the mission except in cases coming under subparagraphs (a), (b), (c) and (d) of paragraph 1, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of the head of mission or of a member of the diplomatic staff of the mission from the jurisdiction of the host State does not exempt him from the jurisdiction of the sending State.

B. Amendments

268. Amendments were submitted to article 30 by Spain (A/CONF.67/C.1/L.56), the United Kingdom (A/CONF.67/C.1/L.61) and Pakistan (A/CONF.67/C.1/L.69)¹⁷ and an oral subamendment was submitted by Peru to the amendment by the United Kingdom (A/CONF.67/C.1/L.61).

269. The amendments and the subamendment were to the following effect:

(a) *Pakistan* (A/CONF.67/C.1/L.69) and *Spain* (A/CONF.67/C.1/L.56):

Delete paragraph 1(d).

[Rejected; see para. 271 below.]

(b) *United Kingdom* (A/CONF.67/C.1/L.61):

Replace the text of paragraph 1(d) by "an action for damages arising from an accident caused by a vehicle, vessel or aircraft."

[Adopted in an amended form; see para. 271 below.]

(c) *Peru* (oral subamendment to the amendment by the United Kingdom (A/CONF.67/C.1/L.61)):

Add at the end of the text the words "used or owned by the person in question".

[Adopted; see para. 271 below.]

¹⁷ A symmetrical amendment was submitted by Pakistan to article 61 under the same symbol.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

270. The Committee of the Whole initially considered article 30 at its 19th meeting, on 18 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

271. At its 19th meeting, the Committee of the Whole voted as follows on article 30 and the amendments and the subamendment thereto:

(a) It rejected the amendments by Pakistan (A/CONF.67/C.1/L.69) and Spain (A/CONF.67/C.1/L.56) by 30 votes to 13, with 17 abstentions;

(b) It adopted the oral subamendment by Peru to the amendment by the United Kingdom (A/CONF.67/C.1/L.61) by 27 votes to 3, with 23 abstentions;

(c) It adopted the amendment by the United Kingdom (A/CONF.67/C.1/L.61), as subamended, by 29 votes to 15, with 16 abstentions;

(d) It adopted the article as a whole, as amended, by 36 votes to 1, with 23 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

272. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 30 adopted by the Drafting Committee. (For the text, see para. 273 below.)

273. The Committee of the Whole made a slight drafting change in the English and French versions of this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

274. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 30:

Article 30. Immunity from jurisdiction

1. The head of mission and the members of the diplomatic staff of the mission shall enjoy immunity from the criminal jurisdiction of the host State. They shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) a real action relating to private immovable property situated in the territory of the host State, unless the person in question holds it on behalf of the sending State for the purposes of the mission;

(b) an action relating to succession in which the person in question is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the person in question in the host State outside his official functions;

(d) an action for damages arising from an accident caused by a vehicle, vessel or aircraft, used or owned by the person in question.

2. No measures of execution may be taken in respect of the head of mission or a member of the diplomatic staff of the mission except in cases coming under subparagraphs (a), (b), (c) and (d) of paragraph 1 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

3. The head of mission and the members of the diplomatic staff of the mission are not obliged to give evidence as witnesses.

4. The immunity of the head of mission or of a member of the diplomatic staff of the mission from the jurisdiction of the host State does not exempt him from the jurisdiction of the sending State.

ARTICLE 31

A. International Law Commission text

275. The International Law Commission text provided as follows:

Article 31. Waiver of immunity

1. The immunity from jurisdiction of the head of mission and members of the diplomatic staff of the mission and of persons enjoying immunity under article 36 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons mentioned in paragraph 1 in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

B. Amendments

276. Amendments were submitted to article 31 by Czechoslovakia (A/CONF.67/C.1/L.59) and by Japan, Nigeria and the United Kingdom (A/CONF.67/C.1/L.60).

277. These amendments were to the following effect:

(a) *Czechoslovakia* (A/CONF.67/C.1/L.59):

Delete paragraph 5.

[Withdrawn; see para. 279 below.]

(b) *Japan, Nigeria and United Kingdom* (A/CONF.67/C.1/L.60):

Insert between paragraphs 4 and 5 the following new paragraph:

4bis Privileges and immunities are accorded to the persons mentioned in paragraph 1 not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, the sending State not only has the right but is under a duty to waive the immunity of such persons in any case where in the opinion of the sending State such immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded.

[The first sentence was adopted and the second sentence rejected; see para. 280 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

278. The Committee of the Whole initially considered article 31 at its 20th meeting, on 19 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

279. At the 20th meeting of the Committee of the Whole, the amendment by Czechoslovakia (A/CONF.67/C.1/L.59) was withdrawn.

280. At the same meeting, the Committee of the Whole voted as follows on article 31 and the amendment thereto:

(a) It took a separate vote on the second sentence of the amendment by Japan, Nigeria and the United Kingdom (A/CONF.67/C.1/L.60) and rejected it by a roll-call vote of 29 votes to 23, with 12 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, Ireland, Israel, Italy, Japan, Netherlands, Nigeria, Norway, Republic of Korea, Romania, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Egypt, El Salvador, German Democratic Republic, Guatemala, Hungary, India, Iraq, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Mexico, Mongolia, Morocco, Niger, Peru, Poland, Qatar, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstentions: Holy See, Indonesia, Ivory Coast, Khmer Republic, Madagascar, Malaysia, Mali, Philippines, Republic of Viet-Nam, Tunisia, Turkey, United Republic of Cameroon.

(b) It adopted the remainder of the amendment by Japan, Nigeria and the United Kingdom (A/CONF.67/C.1/L.60) by 44 votes to 1, with 17 abstentions;

(c) It adopted the article as a whole as amended by 59 votes to none, with 3 abstentions, and decided without objection to refer it to the Drafting Committee, on the understanding that the question of the placement of the new paragraph *4bis* would be examined by the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

281. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 31 adopted by the Drafting Committee. (For the text see para. 283 below.)

282. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

283. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 31:

Article 31. Waiver of immunity

1. The immunity from jurisdiction of the head of mission and members of the diplomatic staff of the mission and of persons enjoying immunity under article 36 may be waived by the sending State. In this connexion, the sending State shall take duly into account that privileges and immunities are accorded to the persons mentioned not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the Organization.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 of this article shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons mentioned in paragraph 1 of this article in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

ARTICLE 32

A. International Law Commission text

284. The International Law Commission text provided as follows:

Article 32. Exemption from social security legislation

1. Subject to the provisions of paragraph 3, the head of mission and the members of the diplomatic staff of the mission shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the host State.

2. The exemption provided for in paragraph 1 shall also apply to persons who are in the sole private employ of the head of mission or of a member of the diplomatic staff of the mission, on condition:

(a) that such employed persons are not nationals of or permanently resident in the host State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. The head of mission and the members of the diplomatic staff of the mission who employ persons to whom the exemption provided for in paragraph 2 does not apply shall observe the obligations which the social security provisions of the host State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 shall not preclude voluntary participation in the social security system of the host State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

B. Amendments

285. No amendment was submitted to article 32.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

286. The Committee of the Whole initially considered article 32 at its 20th meeting, on 19 February

1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

287. At its 20th meeting, the Committee of the Whole adopted the International Law Commission text and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

288. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 32 adopted by the Drafting Committee. (For the text, see para. 290 below.)

289. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

290. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 32:

Article 32. Exemption from social security legislation

1. Subject to the provisions of paragraph 3 of this article, the head of mission and the members of the diplomatic staff of the mission shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the host State.

2. The exemption provided for in paragraph 1 of this article shall also apply to persons who are in the sole private employ of the head of mission or of a member of the diplomatic staff of the mission, on condition:

(a) that such employed persons are not nationals of or permanently resident in the host State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. The head of mission and the members of the diplomatic staff of the mission who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the host State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the host State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

ARTICLE 33

A. International Law Commission text

291. The International Law Commission text provided as follows:

Article 33. Exemption from dues and taxes

The head of mission and the members of the diplomatic staff of the mission shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the host State, unless the person concerned holds it on behalf of the sending State for the purposes of the mission;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article 38;

(d) dues and taxes on private income having its source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 24.

B. Amendments

292. An amendment was submitted to article 33 by France (A/CONF.67/C.1/L.65).

293. This amendment was to the following effect:

1. Replace subparagraph (b) by the following: "dues and taxes on immovable property;"

2. Replace subparagraph (f) by a new subparagraph reading:

registration, court or record fees, mortgage dues and stamp duty, with respect to movable and immovable property, subject to the provisions of article 24.

[Point 1 was withdrawn and point 2 was rejected; see paras. 295 and 296 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

294. The Committee of the Whole initially considered article 33 at its 20th meeting, on 19 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

295. At the 20th meeting of the Committee of the Whole, point 1 of the amendment by France (A/CONF.67/C.1/L.65) was withdrawn.

296. At the same meeting, point 2 of the amendment by France (A/CONF.67/C.1/L.65) was rejected by 23 votes against 18, with 19 abstentions. The Committee of the Whole then adopted the International Law Commission text by 57 votes to none, with 1 abstention and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

297. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 33 adopted by the Drafting Committee. (For the text, see para. 299 below.)

298. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

299. On the basis of the foregoing, the Commit-

tee of the Whole recommends to the Conference for adoption the following text of article 33:

Article 33. Exemption from dues and taxes

The head of mission and the members of the diplomatic staff of the mission shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the host State, unless the person concerned holds it on behalf of the sending State for the purposes of the mission;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article 38;

(d) dues and taxes on private income having its source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 24.

ARTICLE 34

A. International Law Commission text

300. The International Law Commission text provided as follows:

Article 34. Exemption from personal services

The host State shall exempt the head of mission and the members of the diplomatic staff of the mission from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

B. Amendments

301. No amendment was submitted to article 34.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

302. The Committee of the Whole initially considered article 34 at its 21st meeting, on 19 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

303. At its 21st meeting, the Committee of the Whole adopted the International Law Commission text and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

304. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 34 adopted by the Drafting Committee. (For the text, see para. 306 below.)

305. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

306. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 34:

Article 34. Exemption from personal services

The host State shall exempt the head of mission and the members of the diplomatic staff of the mission from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 35

A. International Law Commission text

307. The International Law Commission text provided as follows:

Article 35. Exemption from customs duties and inspection

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the mission;

(b) articles for personal use of the head of mission or a member of the diplomatic staff of the mission, including articles intended for his establishment.

2. The personal baggage of the head of mission or a member of the diplomatic staff of the mission shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted only in the presence of the person enjoying the exemption or of his authorized representative.

B. Amendments

308. An amendment was submitted to article 35 by France (A/CONF.67/C.1/L.66).

309. This amendment sought to add the following sentence to paragraph 1 (b): "The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned."

[Withdrawn; see para. 311 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

310. The Committee of the Whole initially considered article 35 at its 21st meeting, on 19 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

311. At the 21st meeting of the Committee of the Whole, the amendment by France (A/CONF.67/C.1/L.66) was withdrawn.

312. At the same meeting, the Committee of the Whole adopted the International Law Commission text and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

313. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 35 adopted by the Drafting Committee. (For the text, see para. 315 below.)

314. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

315. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 35:

Article 35. Exemption from customs duties and inspection

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the mission;

(b) articles for the personal use of the head of mission or a member of the diplomatic staff of the mission, including articles intended for his establishment.

2. The personal baggage of the head of mission or a member of the diplomatic staff of the mission shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted only in the presence of the person enjoying the exemption or of his authorized representative.

ARTICLE 36

A. International Law Commission text

316. The International Law Commission text provided as follows:

Article 36. Privileges and immunities of other persons

1. The members of the family of the head of mission forming part of his household and the members of the family of a member of the diplomatic staff of the mission forming part of his household shall, if they are not nationals of the host State, enjoy the privileges and immunities specified in articles 28, 29, 30, 32, 33, 34 and in paragraphs 1 (b) and 2 of article 35.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households who are not nationals of or permanently resident in the host State, shall enjoy the privileges and immunities specified in articles 28, 29, 30, 32, 33 and 34, except that the immunity from civil and administrative jurisdiction of the host State specified in paragraph 1 of article 30 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1 (b) of article 35 in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption provided for in article 32.

4. Private staff of members of the mission shall be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privi-

leges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

B. Amendments

317. Amendments were submitted to article 36 by Canada and Japan (A/CONF.67/C.1/L.64) and by the Federal Republic of Germany (A/CONF.67/C.1/L.71).

318. These amendments were to the following effect:

(a) *Canada and Japan* (A/CONF.67/C.1/L.64):

In paragraph 1, after the words "if they are not nationals of", insert the words "or permanently resident in".

[Adopted; see para. 320 below.]

(b) *Germany (Federal Republic of)* (A/CONF.67/C.1/L.71):

In paragraph 1, after the words "members of the service staff of the mission", insert the words "who are not nationals of or permanently resident in the host State".

In paragraph 4, after the word "shall", insert the words "if they are not nationals of or permanently resident in the host State".

[Adopted; see para. 320 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

319. The Committee of the Whole initially considered article 36 at its 21st meeting, on 19 February 1975. At its 47th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

320. At its 21st meeting, the Committee of the Whole voted on article 36 paragraph by paragraph, as follows:

Paragraph 1

(a) The amendment by Canada and Japan (A/CONF.67/C.1/L.64) was adopted by 48 votes to 3, with 9 abstentions;

(b) Paragraph 1 as amended was adopted by 55 votes to none, with 5 abstentions.

Paragraph 2

Paragraph 2 was adopted by 55 votes to 2, with 2 abstentions.

Paragraph 3

(a) The amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.71) was adopted by 42 votes to none, with 19 abstentions;

(b) Paragraph 3 as amended was adopted by 51 votes to none, with 10 abstentions.

Paragraph 4

(a) The amendment by the Federal Republic of

Germany (A/CONF.67/C.1/L.71) was adopted by 44 votes to none, with 15 abstentions;

(b) Paragraph 4 as amended was adopted by 49 votes to none, with 12 abstentions.

Article as a whole

The Committee of the Whole adopted article 36 as a whole, as amended, by 52 votes to none, with 10 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

321. At its 47th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 36 adopted by the Drafting Committee. (For the text, see para. 323 below.)

322. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

323. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 36:

Article 36. Privileges and immunities of other persons

1. The members of the family of the head of mission forming part of his household and the members of the family of a member of the diplomatic staff of the mission forming part of his household shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 28, 29, 30, 32, 33, 34 and in paragraphs 1 (b) and 2 of article 35.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households who are not nationals of or permanently resident in the host State, shall enjoy the privileges and immunities specified in articles 28, 29, 30, 32, 33 and 34, except that the immunity from civil and administrative jurisdiction of the host State specified in paragraph 1 of article 30 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1(b) of article 35 in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the host State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption specified in article 32.

4. Private staff of members of the mission shall, if they are not nationals of or permanently resident in the host State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 37

A. International Law Commission text

324. The International Law Commission text provided as follows:

Article 37. Nationals of the host State and persons permanently resident in the host State

1. Except in so far as additional privileges and immunities may be granted by the host State, the head of mission and any member of the diplomatic staff of the mission who are nationals of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of their functions.

2. Other members of the staff of the mission and persons on the private staff who are nationals of or permanently resident in the host State shall enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members and persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

B. Amendments

325. An amendment was submitted by France to article 37 (A/CONF.67/C.1/L.79).

326. This amendment was to the following effect:

Replace the first sentence of paragraph 2 by the following sentence:

Other members of the mission who are nationals of or permanently resident in the host State shall enjoy only immunity in respect of acts performed in the exercise of their functions.

[Adopted; see para. 328 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

327. The Committee of the Whole initially considered article 37 at its 21st and 22nd meetings, on 19 and 20 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

328. At its 22nd meeting, the Committee of the Whole adopted the amendment by France (A/CONF.67/C.1/L.79) by 26 votes to 13, with 22 abstentions. It then adopted the article as a whole as amended by 45 votes to none, with 17 abstentions, and decided, without objection, to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

329. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 37 adopted by the Drafting Committee. (For the text, see para. 331 below.)

330. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

331. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 37:

Article 37. Nationals and permanent residents of the host State

1. Except in so far as additional privileges and immunities

may be granted by the host State, the head of mission or any member of the diplomatic staff of the mission who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission who are nationals of or permanently resident in the host State shall enjoy only immunity from jurisdiction in respect of official acts performed in the exercise of their functions. In all other respects, those members, and persons on the private staff who are nationals of or permanently resident in the host State, shall enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members and persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 38

A. International Law Commission text

332. The International Law Commission text provided as follows:

Article 38. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the host State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the host State by the Organization or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the host State or of a member of his family forming part of his household, the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the mission or of the family of a member of the mission.

B. Amendments

333. Amendments were submitted to article 38 by Spain (A/CONF.67/C.1/L.75) and Austria (A/CONF.67/C.1/L.68).

334. These amendments were to the following effect:

(a) *Spain* (A/CONF.67/C.1/L.75):

Delete the words "or by the sending State" in paragraph 1.

[Withdrawn; see para. 336 below.]

(b) *Austria* (A/CONF.67/C.1/L.68):

In paragraph 1, after the words "the territory of the host State," insert the words "whose authorities have been duly informed about that arrival,".

[Rejected; see para. 337 below.]

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

335. The Committee of the Whole initially considered article 38 at its 21st meeting, on 19 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

336. At the 21st meeting of the Committee of the Whole, the amendment by Spain (A/CONF.67/C.1/L.57) was withdrawn.

337. At the same meeting, the Committee of the Whole rejected the amendment by Austria (A/CONF.67/C.1/L.68) by 22 votes to 20 with 21 abstentions. It then adopted the International Law Commission text by 60 votes to none with 3 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

338. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 38 adopted by the Drafting Committee. (For the text, see para. 340 below.)

339. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

340. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 38:

Article 38. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the host State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the host State by the Organization or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the territory, or on the expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In the event of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the territory.

4. In the event of the death of a member of the mission not a national of or permanently resident in the host State or of a member of his family forming part of his household, the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the territory the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the mission or of the family of a member of the mission.

ARTICLE 39**A. International Law Commission text**

341. The International Law Commission text provided as follows:

Article 39. Professional or commercial activity

The head of mission and members of the diplomatic staff of the mission shall not practise for personal profit any professional or commercial activity in the host State.

B. Amendments

342. An amendment was submitted to article 39 by France (A/CONF.67/C.1/L.67).

343. This amendment was to the following effect:

1. Make the existing article paragraph 1.

2. Add a second paragraph reading as follows:

2. Unless the host State decides to grant additional privileges and immunities, when they practise a professional or commercial activity for personal profit, members of the administrative and technical staff, and persons forming part of the household of a member of the mission shall not enjoy any privilege or immunity in respect of acts performed in the course of or in connexion with the practice of such activity.

[Adopted; see para. 345 below.]

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

344. The Committee of the Whole initially considered article 39 at its 21st meeting, on 19 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

345. At its 21st meeting, the Committee of the Whole adopted the amendment by France (A/CONF.67/C.1/L.67) by 32 votes to 15, with 15 abstentions. It then adopted article 39, as amended, by 41 votes to none, with 20 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

346. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 39 adopted by the Drafting Committee. (For the text, see para. 348 below.)

347. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

348. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 39:

Article 39. Professional or commercial activity

1. The head of mission and members of the diplomatic staff of the mission shall not practise for personal profit any professional or commercial activity in the host State.

2. Except in so far as such privileges and immunities may be granted by the host State, members of the administrative and technical staff and persons forming part of the household of a member of the mission shall not, when they practise a professional or commercial activity for personal profit, enjoy any privilege or immunity in respect of acts performed in the course of or in connexion with the practice of such activity.

ARTICLE 40

A. International Law Commission text

349. The International Law Commission text provided as follows:

Article 40. End of the functions of the head of mission or of a member of the diplomatic staff

The functions of the head of mission or of a member of the diplomatic staff of the mission shall come to an end, *inter alia*:

(a) on notification of their termination by the sending State to the Organization;

(b) if the mission is finally or temporarily recalled.

B. Amendments

350. No amendment was submitted to article 40.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

351. The Committee of the Whole initially considered article 40 at its 21st meeting on 19 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

352. At its 21st meeting, the Committee of the Whole adopted the International Law Commission text and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

353. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 40 adopted by the Drafting Committee. (For the text, see para. 355 below.)

354. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

355. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 40:

Article 40. End of functions

The functions of the head of mission or of a member of the diplomatic staff of the mission shall come to an end, *inter alia*:

(a) on notification of their termination by the sending State to the Organization;

(b) if the mission is finally or temporarily recalled.

ARTICLE 41

A. International Law Commission text

356. The International Law Commission text provided as follows:

Article 41. Protection of premises, property and archives

1. When the mission is temporarily or finally recalled, the host State must respect and protect the premises as well as the property and archives of the mission. The sending State must take all appropriate measures to terminate this special duty of the host State within a reasonable time. It may entrust custody of the premises, property and archives of the mission to a third State acceptable to the host State.

2. The host State, if requested by the sending State, shall grant the latter facilities for removing the property and the archives of the mission from the territory of the host State.

B. Amendments

357. Amendments were submitted to article 41 by the Federal Republic of Germany (A/CONF.67/C.1/L.70) and, orally, by Greece.

358. These amendments were to the following effect:

(a) *Germany (Federal Republic of)* (A/CONF.67/C.1/L.70 as orally revised):¹⁸

In the last sentence of paragraph 1, after the words "archives of the mission," add the phrase "to the Organization if it so agrees, or".

[Adopted; see para. 360 below.]

(b) *Greece* (oral amendment):

At the end of the second sentence of paragraph 1, replace the words "within a reasonable time" by the words "as soon as possible".

[Adopted; see para. 360 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

359. The Committee of the Whole initially considered article 41 at its 22nd meeting, on 20 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

360. At its 22nd meeting, the Committee of the Whole voted as follows on article 41 and the amendments thereto:

(a) It adopted the oral amendment by Greece by 34 votes to 13, with 18 abstentions;

(b) It adopted the orally revised amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.70) by 32 votes to 14, with 18 abstentions;

¹⁸ In its original version the amendment read as follows: In the last sentence after the words "archives of the mission" add the following phrase: "as appropriate to the Organization, or".

(c) It adopted paragraph 1 as amended by 44 votes to none, with 20 abstentions;

(d) It adopted the article as a whole as amended by 48 votes to none, with 16 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

361. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1) containing the text of article 41 adopted by the Drafting Committee. (For the text, see para. 363 below.)

362. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

363. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 41:

Article 41. Protection of premises, property and archives

1. When the mission is temporarily or finally recalled, the host State must respect and protect the premises, property and archives of the mission. The sending State must take all appropriate measures to terminate this special duty of the host State as soon as possible. It may entrust custody of the premises, property and archives of the mission to the Organization if it so agrees, or to a third State acceptable to the host State.

2. The host State, if requested by the sending State, shall grant the latter facilities for removing the property and the archives of the mission from the territory of the host State.

PART III. DELEGATIONS TO ORGANS AND TO CONFERENCES

364. On the recommendation of the Drafting Committee (see A/CONF.67/C.1/2), the Committee of the Whole decided at its 48th meeting to recommend to the Conference that the above title be maintained without change.

PROPOSAL FOR A NEW ARTICLE

A. Text of the proposal

365. A proposal was submitted by Switzerland (A/CONF.67/C.1/L.77) for the insertion at the beginning of part III of a new article reading as follows:

Prior to or during the session of an organ or a conference, it may be agreed between the Organization and the host State or between the States concerned that the status of permanent missions applies to the delegations to the organ or conference.

[Rejected; see para. 369 below.]

B. Amendments

366. An oral amendment was submitted to the Swiss proposal by India.

367. That amendment sought to replace the words "that the status of permanent missions applies to the delegations to the organ or conference" by "the status, privileges and immunities to be given to the delegation to the organ or conference keeping in view the nature, purpose and duration of the conference".

[Rejected; see para. 369 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

368. The Committee of the Whole considered the proposal by Switzerland at its 22nd, 24th and 25th meetings on 20, 21 and 24 February 1975.

(ii) DECISIONS

369. At its 25th meeting, the Committee of the Whole rejected the oral amendment by India by 24 votes to 14, with 29 abstentions. It rejected the proposal by Switzerland (A/CONF.67/C.1/L.77) by 29 votes to 16, with 20 abstentions.

ARTICLE 42

A. International Law Commission text

370. The International Law Commission text provided as follows:

Article 42. Sending of delegations

A State may send a delegation to an organ or to a conference in accordance with the rules and decisions of the Organization.

B. Amendments

371. Amendments were submitted to article 42 by El Salvador, Guatemala and the Ivory Coast (A/CONF.67/C.1/L.75) and, orally by Czechoslovakia. Oral subamendments were submitted by the Netherlands and the United Kingdom to the amendment by El Salvador, Guatemala and the Ivory Coast.

372. These amendments and subamendments were to the following effect:

(a) *El Salvador, Guatemala and Ivory Coast* (A/CONF.67/C.1/L.75):

Add a second paragraph to article 42, as follows:

Two or more States may send the same delegation to an organ or to a conference in accordance with the rules and decisions of the Organization.

[Adopted; see para. 374 below.]

(b) *Czechoslovakia* (oral amendment):

Add at the end of article 42 the words "in conformity with article 80 of the Convention".

[Rejected; see para. 374 below.]

(c) *Netherlands* (oral subamendment to the amendment by El Salvador, Guatemala and the Ivory Coast):

Delete the words "with the rules and decisions of the Organization" and insert the words "when the rules and decisions of the Organization explicitly so permit" at the beginning of the sentence.

[Rejected; see para. 374 below.]

(d) *United Kingdom* (oral subamendment to the amendment by El Salvador, Guatemala and the Ivory Coast):

Add the following sentence at the end of the new paragraph proposed: "The number of persons appointed to the diplomatic staff of such a joint delegation shall be at least equal to the number of States which sent that delegation."

[Rejected; see para. 374 below.]

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

373. The Committee of the Whole initially considered article 42 at its 23rd meeting, on 21 February 1975. At its 48th meeting on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

374. At its 23rd meeting, the Committee of the Whole voted as follows on article 42 and the amendments and subamendments thereto:

(a) It rejected the oral amendment by Czechoslovakia by 27 votes to 13, with 17 abstentions;

(b) It rejected the oral subamendment by the Netherlands to the amendment by El Salvador, Guatemala and the Ivory Coast (A/CONF.67/C.1/L.75) by 33 votes to 18, with 10 abstentions;

(c) It rejected the oral subamendment by the United Kingdom to the amendment by El Salvador, Guatemala and the Ivory Coast (A/CONF.67/C.1/L.75) by 37 votes to 12, with 12 abstentions;

(d) It adopted the amendment by El Salvador, Guatemala and the Ivory Coast (A/CONF.67/C.1/L.75) by 44 votes to 10, with 6 abstentions;

(e) It adopted article 42 as a whole, as amended, by 46 votes to 1, with 14 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

375. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 42 adopted by the Drafting Committee. (For the text, see para. 377 below.)

376. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

377. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 42:

Article 42. Sending of delegations

1. A State may send a delegation to an organ or to a conference in accordance with the rules of the Organization.
2. Two or more States may send the same delegation to an organ or to a conference in accordance with the rules of the Organization.

ARTICLE 43**A. International Law Commission text**

378. The International Law Commission text provided as follows:

Article 43. Appointment of the members of the delegation

Subject to the provisions of articles 46 and 72, the sending State may freely appoint the members of the delegation.

B. Amendments

379. No amendment was submitted to article 43.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

380. The Committee of the Whole initially considered article 43 at its 24th meeting, on 21 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

381. At its 24th meeting, the Committee of the Whole adopted the text of the International Law Commission by 36 votes to none, with 17 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

382. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 43 adopted by the Drafting Committee. (For the text, see para. 384 below.)

383. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

384. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 43:

Article 43. Appointment of the members of the delegation

Subject to the provisions of articles 46 and 72, the sending State may freely appoint the members of the delegation.

ARTICLE 44**A. International Law Commission text**

385. The International Law Commission text provided as follows:

Article 44. Credentials of delegates

The credentials of the head of delegation and of other delegates shall be issued either by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or, if the rules of the Organization or the rules of procedure of the conference so admit, by another competent authority of the sending State. They shall be transmitted, as the case may be, to the Organization or to the Conference.

B. Amendments

386. An amendment was submitted to article 44

by the Federal Republic of Germany (A/CONF.67/C.1/L.31).¹⁹

387. This amendment sought to reformulate the last sentence of article 44 as follows:

They shall be transmitted, as the case may be, to the Chief Executive Officer of the Organization or to the Secretary of the Conference.

[Withdrawn; see para. 389 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

388. The Committee of the Whole initially considered article 44 at its 24th meeting, on 21 February, 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

389. At the 24th meeting of the Committee of the Whole, the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.31) was withdrawn.

390. At the same meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

391. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 44 adopted by the Drafting Committee. (For the text, see para. 393 below.)

392. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

393. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 44:

Article 44. Credentials of delegates

The credentials of the head of delegation and of other delegates shall be issued by the Head of State, by the Head of Government, by the Minister for Foreign Affairs or, if the rules of the Organization or the rules of procedure of the conference so permit, by another competent authority of the sending State. They shall be transmitted, as the case may be, to the Organization or to the conference.

ARTICLE 45

A. International Law Commission text

394. The International Law Commission text provided as follows:

¹⁹ Symmetrical amendments were submitted by the Federal Republic of Germany to article 10 under the same symbol (see above the section relating to article 10) and article D (the amendment to article D was withdrawn at the same time as the amendment to article 34).

Article 45. Composition of the delegation

In addition to the head of delegation, the delegation may include other delegates, diplomatic staff, administrative and technical staff and service staff.

B. Amendments

395. No amendment was submitted to article 45.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

396. The Committee of the Whole initially considered article 45 at its 24th meeting, on 21 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

397. At its 24th meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

398. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 45 adopted by the Drafting Committee. (For the text, see para. 400 below.)

399. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

400. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 45:

Article 45. Composition of the delegation

In addition to the head of delegation, the delegation may include other delegates, diplomatic staff, administrative and technical staff and service staff.

ARTICLE 46

A. International Law Commission text

401. The International Law Commission text provided as follows:

Article 46. Size of the delegation

The size of the delegation shall not exceed what is reasonable and normal, having regard, as the case may be, to the functions of the organ or the object of the Conference, as well as the needs of the particular delegation and the circumstances and conditions in the host State.

B. Amendments

402. No amendment was submitted to article 46.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

403. The Committee of the Whole initially considered article 46 at its 24th meeting, on 21 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

404. At its 24th meeting, the Committee of the Whole adopted the text of the International Law Commission by 61 votes to none, with 2 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

405. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 46 adopted by the Drafting Committee. (For the text, see para. 407 below.)

406. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

407. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 46:

Article 46. Size of the delegation

The size of the delegation shall not exceed what is reasonable and normal, having regard, as the case may be, to the functions of the organ or the object of the conference, as well as the needs of the particular delegation and the circumstances and conditions in the host State.

ARTICLE 47

A. International Law Commission text

408. The International Law Commission text provided as follows:

Article 47. Notifications

1. The sending State shall notify the Organization or, as the case may be, the conference of:

(a) the composition of the delegation, including the position, title and order of precedence of the members of the delegation, and any subsequent changes therein;

(b) the arrival and final departure of members of the delegation and the termination of their functions with the delegation;

(c) the arrival and final departure of any person accompanying a member of the delegation;

(d) the beginning and the termination of the employment of persons resident in the host State as members of the staff of the delegation or as persons employed on the private staff;

(e) the location of the premises of the delegation and of the private accommodation enjoying inviolability under articles 54 and 60 as well as any other information that may be necessary to identify such premises and accommodation.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization or, as the case may be, the conference shall transmit to the host State the notifications referred to in paragraphs 1 and 2.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2.

B. Amendments

409. Amendments were submitted to article 47 by the United States of America (A/CONF.67/C.1/L.72) and, orally, by the Federal Republic of Germany.

410. These amendments were to the following effect:

(a) *United States of America* (A/CONF.67/C.1/L.72):

Delete the phrase "enjoying inviolability under articles 54 and 60" in paragraph 1 (e).

[Withdrawn; see para. 412 below.]

(b) *Germany (Federal Republic of)* (oral amendment):

1. Delete the colon at the end of the introductory phrase of paragraph 1 and the letter (a) which follows immediately;

2. Replace the semicolon at the end of present subparagraph (a) by a full stop and insert a new paragraph 1 *bis*, the introductory phrase of which will read as follows: "1 *bis*. It may notify as appropriate the Organization or the Conference of:"

3. Reletter (a), (b), (c) and (d), to make them the present subparagraphs (b), (c), (d) and (e).

[Rejected; see para. 414 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

411. The Committee of the Whole initially considered article 47 at its 24th, 25th and 26th meetings, on 21 and 24 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

412. At the 24th meeting of the Committee of the Whole, the amendment by the United States of America (A/CONF.67/C.1/L.72) was withdrawn.

413. At the same meeting, the Committee of the Whole decided to postpone its consideration of the article until after it had disposed of the new article proposed by Switzerland for inclusion at the beginning of part III of the draft articles (A/CONF.67/C.1/L.77) (see paras. 365–369 above).

414. At its 26th meeting, the Committee of the Whole rejected the oral amendment by the Federal Republic of Germany by 16 votes to 8, with 30 abstentions. At the same meeting, it adopted the text of the International Law Commission by 50 votes to 2, with 4 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

415. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 47 adopted by the Drafting Committee. (For the text, see para. 417 below.)

416. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

417. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 47:

Article 47. Notifications

1. The sending State shall notify the Organization or, as the case may be, the conference of:

(a) the composition of the delegation, including the position, title and order of precedence of the members of the delegation, and any subsequent changes therein;

(b) the arrival and final departure of members of the delegation and the termination of their functions with the delegation;

(c) the arrival and final departure of any person accompanying a member of the delegation;

(d) the beginning and the termination of the employment of persons resident in the host State as members of the staff of the delegation or as persons employed on the private staff;

(e) the location of the premises of the delegation and of the private accommodation enjoying inviolability under articles 54 and 60, as well as any other information that may be necessary to identify such premises and accommodation.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization or, as the case may be, the conference shall transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

ARTICLE 48

A. International Law Commission text

418. The International Law Commission text provided as follows:

Article 48. Acting head of the delegation

1. If the head of delegation is absent or unable to perform his functions, an acting head shall be designated from among the other delegates by the head of delegation or, in case he is unable to do so, by a competent authority of the sending State. The name of the acting head shall be notified, as the case may be, to the Organization or to the conference.

2. If a delegation does not have another delegate available to serve as acting head, another person may be designated for that purpose. In such case credentials must be issued and transmitted in accordance with article 44.

B. Amendments

419. No amendment was submitted to article 48.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

420. The Committee of the Whole initially considered article 48 at its 24th meeting, on 22 February

1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

421. At its 24th meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

422. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 48 adopted by the Drafting Committee. (For the text, see para. 424 below.)

423. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

424. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 48:

Article 48. Acting head of delegation

1. If the head of delegation is absent or unable to perform his functions, an acting head of delegation shall be designated from among the other delegates by the head of delegation or, in case he is unable to do so, by a competent authority of the sending State. The name of the acting head of delegation shall be notified, as the case may be, to the Organization or to the conference.

2. If a delegation does not have another delegate available to serve as acting head of delegation, another person may be designated for that purpose. In such case credentials must be issued and transmitted in accordance with article 44.

ARTICLE 49

A. International Law Commission text

425. The International Law Commission text provided as follows:

Article 49. Precedence

Precedence among delegations shall be determined by the alphabetical order of the names of the States used in the Organization.

B. Amendments

426. No amendment was submitted to article 49.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

427. The Committee of the Whole initially considered article 49 at its 24th meeting, on 21 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

428. At its 24th meeting, the Committee of the Whole adopted the text of the International Law Commission by 38 votes to 14, with 9 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

429. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 49 adopted by the Drafting Committee. (For the text, see para. 431 below.)

430. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

431. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 49:

Article 49. Precedence

Precedence among delegations shall be determined by the alphabetical order of the names of the States used in the Organization.

ARTICLE 50

A. International Law Commission text

432. The International Law Commission text provided as follows:

Article 50. Status of the head of State and persons of high rank

1. The head of the sending State, when he leads the delegation, shall enjoy in the host State or in a third State, in addition to what is granted by the present articles, the facilities, privileges and immunities accorded by international law to Heads of State.

2. The head of the Government, the minister for foreign affairs and other persons of high rank, when they take part in a delegation of the sending State, shall enjoy in the host State or in a third State, in addition to what is granted by the present articles, the facilities, privileges and immunities accorded by international law to such persons.

B. Amendments

433. Amendments were submitted to article 50 by the United States of America (A/CONF.67/C.1/L.73) and by Mongolia and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.74) and, orally, by Italy.

434. The amendments were to the following effect:

(a) *United States of America* (A/CONF.67/C.1/L.73):

Delete the article.

[Rejected; see para. 436 below.]

(b) *Mongolia and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.74):

In paragraph 1, after the words "The head of the sending State when he leads the delegation," insert the words "including any member of a collegial body per-

forming the functions of head of State under the constitution of the State concerned,".

[Adopted; see para. 436 below.]

(c) *Italy* (oral amendment):

Delete the words "and other persons of high rank" in paragraph 2 of the article.

[Rejected; see para. 436 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

435. The Committee of the Whole initially considered article 50 at its 24th meeting, on 21 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

436. At its 24th meeting, the Committee of the Whole voted as follows on article 50 and the amendments thereto:

(a) It rejected the amendment by the United States of America (A/CONF.67/C.1/L.73) by 33 votes to 16, with 11 abstentions;

(b) It adopted the amendment by Mongolia and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.74) by 25 votes to 6, with 28 abstentions;

(c) It rejected the oral amendment by Italy by 32 votes to 11, with 19 abstentions;

(d) It adopted the article as a whole, as amended, by 45 votes to 2, with 17 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

437. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 50 adopted by the Drafting Committee. (For the text, see para. 439 below.)

438. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

439. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 50:

Article 50. Status of the head of State and persons of high rank

1. The head of State or any member of a collegial body performing the functions of head of State under the constitution of the State concerned, when he leads the delegation, shall enjoy in the host State or in a third State, in addition to what is granted by the present Convention, the facilities, privileges and immunities accorded by international law to heads of State.

2. The head of Government, the minister for foreign affairs or other person of high rank, when he leads or is a member of the delegation, shall enjoy in the host State or in a third State, in addition to what is granted by the present Convention,

the facilities, privileges and immunities accorded by international law to such persons.

ARTICLE 51

A. International Law Commission text

440. The International Law Commission text provided as follows:

Article 51. General facilities

The host State shall accord to the delegation all facilities for the performance of its tasks. The Organization or, as the case may be, the conference shall assist the delegation in obtaining those facilities and shall accord to the delegation such facilities as lie within their own competence.

B. Amendments

441. An amendment was submitted to article 51 by the Netherlands (A/CONF.67/C.1/L.82).

442. This amendment sought to replace the first sentence of article 51 with the following: "The host State shall accord to the delegation all the facilities required for the performance of its tasks."

[Adopted; see para. 444 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

443. The Committee of the Whole initially considered article 51 at its 26th meeting, on 24 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

444. At its 26th meeting, the Committee of the Whole adopted the amendment by the Netherlands (A/CONF.67/C.1/L.82) by 47 votes to none, with 8 abstentions. At the same meeting, it adopted article 51 as a whole, as amended, by 56 votes to none, with 1 abstention, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

445. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 51 adopted by the Drafting Committee. (For the text, see para. 447 below.)

446. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

447. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 51:

Article 51. General facilities

1. The host State shall accord to the delegation all necessary facilities for the performance of its tasks.

2. The Organization or, as the case may be, the conference shall assist the delegation in obtaining those facilities and shall accord to the delegation such facilities as lie within its own competence.

ARTICLE 52

A. International Law Commission text

448. The International Law Commission text provided as follows:

Article 52. Premises and accommodation

The host State shall assist the delegation, if it so requests, in procuring the necessary premises and obtaining suitable accommodation for its members. The Organization or, as the case may be, the conference shall, where necessary, assist the delegation in this regard.

B. Amendments

449. An amendment was submitted to article 52 by the Netherlands and the United Kingdom (A/CONF.67/C.1/L.87).

450. This amendment, as orally revised,²⁰ sought to replace the present text by the following:

If so requested, the host State and, where necessary, the Organization or the conference shall assist the sending State in obtaining on reasonable terms the premises necessary for the delegation and suitable accommodation for the members of the delegation.

[Adopted; see para. 452 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

451. The Committee of the Whole initially considered article 52 at its 26th meeting, on 24 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

452. At its 26th meeting, the Committee of the Whole adopted the amendment by the Netherlands and the United Kingdom (A/CONF.67/C.1/L.87 as orally revised) by 56 votes to 1, with 7 abstentions, and decided without objection to refer the text adopted to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

453. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 52 adopted by the Drafting Committee. (For the text, see para. 455 below.)

²⁰ In the original version, the amendment sought to replace the present text by the following:

"If so requested, the host State and the Organization shall assist the delegation in obtaining on reasonable terms the premises necessary for it and suitable accommodation for its members."

454. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

455. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 52:

Article 52. Premises and accommodation

If so requested, the host State and, where necessary, the Organization or the conference shall assist the sending State in obtaining on reasonable terms premises necessary for the delegation and suitable accommodation for its members.

ARTICLE 53

A. International Law Commission text

456. The International Law Commission text provided as follows:

Article 53. Assistance in respect of privileges and immunities

The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the sending State, its delegation and the members of the delegation in securing the enjoyment of the privileges and immunities provided for by the present articles.

B. Amendments

457. An amendment was submitted to article 53 by Austria (A/CONF.67/C.1/L.83).

458. This amendment sought to number the present provision "1" and add a second paragraph as follows:

2. The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the host State in securing the discharge of the obligations of the sending State concerning privileges and immunities provided for under the present Convention.

[Adopted; see para. 460 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

459. The Committee of the Whole initially considered article 53 at its 26th meeting, on 24 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

460. At its 26th meeting, the Committee of the Whole unanimously adopted the amendment by Austria (A/CONF.67/C.1/L.83). At the same meeting it adopted, also unanimously, article 53 as amended and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

461. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of arti-

cle 53 adopted by the Drafting Committee. (For the text, see para. 463 below, subject to the change referred to in para. 462 below.)

462. The Committee of the Whole decided to insert the words "its delegation and the members of its delegation" after the words "sending State" in paragraph 2 of the text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

463. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 53:

Article 53. Assistance in respect of privileges and immunities

1. The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the sending State, its delegation and the members of its delegation in securing the enjoyment of the privileges and immunities provided for under the present Convention.

2. The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the host State in securing the discharge of the obligations of the sending State, its delegation and the members of its delegation in respect of the privileges and immunities provided for under the present Convention.

ARTICLE 54²¹

A. International Law Commission text

464. The International Law Commission text provided as follows:

Article 54. Inviolability of the premises

1. The premises of the delegation shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of delegation. Such consent may be assumed in case of fire or other disaster that seriously endangers public safety, and only in the event that it has not been possible to obtain the express consent of the head of delegation.

2. The host State is under a special duty to take all appropriate steps to protect the premises of the delegation against any intrusion or damage and to prevent any disturbance of the peace of the delegation or impairment of its dignity.

3. The premises of the delegation, their furnishings and other property thereon and the means of transport of the delegation shall be immune from search, requisition, attachment or execution.

B. Amendments

465. Amendments were submitted to article 54 by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.80 and Corr.1), the United States of America (A/CONF.67/C.1/L.81) and Japan, Thailand and the United Kingdom (A/CONF.67/C.1/L.88).

²¹ As a result of the decision recorded in paragraph 19 above, the Committee of the Whole pronounced itself on an amendment by France to paragraph 1(27) of article 1 (A/CONF.67/C.1/L.10) seeking to replace paragraph 1(27) by the following:

"'premises of the delegation' means the buildings or parts of buildings, irrespective of ownership, used solely as the offices of the delegation."

466. These amendments were to the following effect:

(a) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia and Union of Social Socialist Republics* (A/CONF.67/C.1/L.80 and Corr.1, as orally revised): ²²

Replace the existing paragraph 1 by the following:

The premises of the delegation shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of delegation or another member of the delegation.

[Rejected; see para. 469 below.]

(b) *United States of America* (A/CONF.67/C.1/L.81):

Replace the third sentence of paragraph 1 by the following:

The consent of the head of delegation may, however, be assumed in case of fire or other disaster seriously endangering public safety and requiring prompt protective action.

[Adopted; see para. 469 below.]

(c) *Japan, Thailand and United Kingdom* (A/CONF.67/C.1/L.88): ²³

Replace paragraph 2 by the following:

Where the circumstances are such that a delegation requires special protection, the host State shall take all appropriate steps to protect the premises of that delegation against any intrusion or damage and to prevent any disturbance of the peace of the delegation or impairment of its dignity.

[Adopted; see para. 469 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

467. The Committee of the Whole initially considered article 54 at its 26th meeting, on 24 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

468. At its 26th meeting, the Committee of the Whole pronounced itself both on article 54 and the amendments thereto and on an amendment by France to paragraph 1(27) of article 1 (A/CONF.67/C.1/L.10) (see foot-note 21 above).

469. It voted as follows on article 54 and the amendments thereto:

(a) It rejected the amendment by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.80 and Corr.1, as orally revised) by 26 votes to 25, with 13 abstentions;

²² In the original version, the words "or another member of the delegation" did not appear.

²³ This amendment was accompanied by the following written comment:

"It would be convenient to discuss with article 54 the definition of 'premises of the delegation' in paragraph 1(27) of article 1, and the amendments tabled regarding it.

(b) It adopted the amendment by the United States of America (A/CONF.67/C.1/L.81) by 30 votes to 19, with 17 abstentions;

(c) It adopted the amendment by Japan, Thailand and the United Kingdom (A/CONF.67/C.1/L.88) by 29 votes to 23, with 13 abstentions;

(d) It adopted the article as a whole as amended by 38 votes to 14, with 13 abstentions, and decided without objection to defer it to the Drafting Committee.

470. The Committee of the Whole adopted the amendment by France to paragraph 1(27) of article 1 (A/CONF.67/C.1/L.10) by 33 votes to 18, with 12 abstentions.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

471. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 54 adopted by the Drafting Committee. (For the text, see para. 473 below.)

472. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

473. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 54:

Article 54. Inviolability of premises

1. The premises of the delegation shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of delegation. The consent of the head of delegation may, however, be assumed in the event of fire or other disaster seriously endangering public safety and requiring prompt protective action.

2. Where the circumstances are such that a delegation requires special protection, the host State shall take all appropriate steps to protect the premises of that delegation against any intrusion or damage and to prevent any disturbance of the peace of the delegation or impairment of its dignity.

3. The premises of the delegation, their furnishings and other property thereon and the means of transport of the delegation shall be immune from search, requisition, attachment or execution.

ARTICLE 55

A. International Law Commission text

474. The International Law Commission text read as follows:

Article 55. Exemption of the premises from taxation

1. The sending State and the members of the delegation acting on behalf of the delegation shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the delegation other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the host State by persons contracting with the sending State or with a member of the delegation.

B. Amendments

475. Amendments were submitted to article 55 by the United Kingdom (A/CONF.67/C.1/L.104) and orally, by the Netherlands.

476. These amendments were to the following effect:

(a) *United Kingdom* (A/CONF.67/C.1/L.104):

Add the following words at the end of paragraph 1: "or are dues or taxes payable in respect of the occupancy of hotel or similar accommodation."

[Rejected; see para. 478 below.]

(b) *Netherlands* (oral amendment):

Insert the following at the beginning of paragraph 1: "To the extent compatible with the nature and duration of the functions performed by the delegation,"

[Rejected; see para. 478 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

477. The Committee of the Whole initially considered article 55 at its 27th meeting, on 25 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

478. At its 27th meeting, the Committee of the Whole voted as follows on article 55 and the amendments thereto:

(a) It rejected the amendment by the United Kingdom (A/CONF.67/C.1/L.104) by a roll-call vote of 37 votes to 18, with 10 abstentions. The voting was as follows:

In favour: Australia, Belgium, Canada, Denmark, France, Germany (Federal Republic of), Greece, Ireland, Italy, Japan, Norway, Republic of Korea, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Against: Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Egypt, El Salvador, German Democratic Republic, Guatemala, Hungary, India, Iraq, Ivory Coast, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Mali, Mexico, Mongolia, Niger, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, Venezuela, Yugoslavia.

Abstentions: Austria, Finland, Holy See, Indonesia, Israel, Khmer Republic, Netherlands, Republic of Vietnam, Thailand, United Republic of Tanzania.

(b) It rejected the oral amendment by the Netherlands by a roll-call vote of 39 votes to 24, with 3 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic

of), Greece, Indonesia, Ireland, Israel, Italy, Japan, Khmer Republic, Netherlands, Norway, Republic of Korea, Spain, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Egypt, El Salvador, German Democratic Republic, Guatemala, Hungary, India, Iraq, Ivory Coast, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Mali, Mexico, Mongolia, Niger, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Yugoslavia, Zaire.

Abstentions: Holy See, Nigeria, Republic of Vietnam.

(c) It adopted the text of the International Law Commission by 53 votes to none, with 13 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

479. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 55 adopted by the Drafting Committee. (For the text, see para. 481 below.)

480. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

481. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 55:

Article 55. Exemption of the premises from taxation

1. The sending State or any member of the delegation acting on behalf of the delegation shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the delegation other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the host State by persons contracting with the sending State or with a member of the delegation.

ARTICLE 56

A. International Law Commission text

482. The International Law Commission text provided as follows:

Article 56. Inviolability of archives and documents

The archives and documents of the delegation shall be inviolable at any time and wherever they may be.

B. Amendments

483. No amendment was submitted to article 56.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

484. The Committee of the Whole initially considered article 56 at its 27th meeting, on 25 February 1975. At its 68th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

485. At its 27th meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

486. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 56 adopted by the Drafting Committee. (For the text, see para. 488 below.)

487. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

488. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 56:

Article 56. Inviolability of archives and documents

The archives and documents of the delegation shall be inviolable at all times and wherever they may be.

ARTICLE 57**A. International Law Commission text**

489. The International Law Commission text provided as follows:

Article 57. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure to all members of the delegation such freedom of movement and travel in its territory as is necessary for the performance of the tasks of the delegation.

B. Amendments

490. No amendment was submitted to article 57.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

491. The Committee of the Whole initially considered article 57 at its 27th meeting, on 25 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

492. At its 27th meeting, the Committee of the Whole adopted the text of the International Law Com-

mission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

493. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 57 adopted by the Drafting Committee. (For the text, see para. 495 below.)

494. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

495. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 57:

Article 57. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure to all members of the delegation such freedom of movement and travel in its territory as is necessary for the performance of the tasks of the delegation.

ARTICLE 58**A. International Law Commission text**

496. The International Law Commission text provided as follows:

Article 58. Freedom of communication

1. The host State shall permit and protect free communication on the part of the delegation for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, consular posts, permanent missions, permanent observer missions, special missions and other delegations, wherever situated, the delegation may employ all appropriate means, including couriers and messages in code or cipher. However, the delegation may install and use a wireless transmitter only with the consent of the host State.

2. The official correspondence of the delegation shall be inviolable. Official correspondence means all correspondence relating to the delegation and its tasks.

3. Where practicable, the delegation shall use the means of communication, including the bag and the courier, of the permanent diplomatic mission, of the permanent mission or of the permanent observer mission of the sending State.

4. The bag of the delegation shall not be opened or detained.

5. The packages constituting the bag of the delegation must bear visible external marks of their character and may contain only documents or articles intended for the official use of the delegation.

6. The courier of the delegation, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

7. The sending State or the delegation may designate couriers *ad hoc* of the delegation. In such cases the provisions of paragraph 6 shall also apply, except that the immunities therein mentioned shall cease to apply when the courier *ad hoc* has delivered to the consignee the delegation's bag in his charge.

8. The bag of the delegation may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at

an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the delegation. By arrangement with the appropriate authorities of the host State, the delegation may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

B. Amendments

497. Amendments were submitted to article 58 by Austria (A/CONF.67/C.1/L.84), France (A/CONF.67/C.1/L.85) and the United Kingdom (A/CONF.67/C.1/L.89/Rev.1).

498. These amendments were to the following effect:

(a) *Austria* (A/CONF.67/C.1/L.84):

After the words "official document" in paragraph 6 insert the words "authenticated by the Organization or the secretariat of the Conference, as the case may be,".

[Withdrawn; see para. 501 below.]

(b) *France* (A/CONF.67/C.1/L.85):

Delete the words "Where practicable," in paragraph 3.

Delete paragraphs 4, 5, 6, 7 and 8.

[Withdrawn; see para. 500 below.]

(c) *United Kingdom* (A/CONF.67/C.1/L.89/Rev.1):

1. In paragraph 3, after "permanent diplomatic mission", add "of a consular post,".

2. Replace paragraph 4 by the following:

(a) The bag of the delegation shall not be opened or detained. However, should the host State have reason to believe that a bag contains articles other than those intended for the official use of the delegation, it may request that such bag be opened for inspection in the presence of an authorized representative of the sending State;

(b) If the sending State refuses to comply with such a request such bag shall be returned to the place of origin.

[Point 1 was adopted and point 2 rejected; see para. 502 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

499. The Committee of the Whole initially considered article 58 at its 27th and 28th meetings, on 25 February 1975. At its 68th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

500. At the 27th meeting of the Committee of the Whole, the amendment by France (A/CONF.67/C.1/L.85) was withdrawn.

501. At the 28th meeting of the Committee of the Whole, the amendment by Austria (A/CONF.67/C.1/L.84) was also withdrawn.

502. At its 28th meeting, the Committee of the Whole voted as follows on article 58 and the amendments thereto:

(a) It rejected the amendment by the United Kingdom to paragraph 4 (A/CONF.67/C.1/L.89/Rev.1) by a roll-call vote of 34 votes to 19, with 17 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Denmark, France, Germany (Federal Public of), Greece, Ireland, Israel, Italy, Kuwait, Liberia, Netherlands, Norway, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Colombia, Cuba, Czechoslovakia, Egypt, El Salvador, German Democratic Republic, Guatemala, Holy See, Hungary, Iraq, Lebanon, Libyan Arab Republic, Mali, Mexico, Mongolia, Morocco, Niger, Pakistan, Peru, Poland, Romania, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Yugoslavia, Zaire.

Abstentions: Finland, India, Indonesia, Ivory Coast, Japan, Khmer Republic, Madagascar, Malaysia, Nigeria, Oman, Philippines, Qatar, Republic of Korea, Republic of Viet-Nam, Spain, Thailand, Turkey.

(b) It adopted the amendment by the United Kingdom to paragraph 3 by 41 votes to 14, with 13 abstentions;

(c) It adopted the article as a whole, as amended, by 57 votes to none, with 14 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

503. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 58 adopted by the Drafting Committee. (For the text, see para. 505 below.)

504. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

505. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 58:

Article 58. Freedom of communication

1. The host State shall permit and protect free communication on the part of the delegation for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, consular posts, permanent missions, permanent observer missions, special mission, other delegation, and observer delegations, wherever situated, the delegation may employ all appropriate means, including couriers and messages in code or cipher. However, the delegation may install and use a wireless transmitter only with the consent of the host State.

2. The official correspondence of the delegation shall be inviolable. Official correspondence means all correspondence relating to the delegation and its tasks.

3. Where practicable, the delegation shall use the means of communication, including the bag and the courier, of the per-

manent diplomatic mission, of a consular post, of the permanent mission or of the permanent observer mission of the sending State.

4. The bag of the delegation shall not be opened or detained.

5. The packages constituting the bag of the delegation must bear visible external marks of their character and may contain only documents or articles intended for the official use of the delegation.

6. The courier of the delegation, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

7. The sending State or the delegation may designate couriers *ad hoc* of the delegation. In such cases the provisions of paragraph 6 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when the courier *ad hoc* has delivered to the consignee the delegation's bag in his charge.

8. The bag of the delegation may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the delegation. By arrangement with the appropriate authorities of the host State, the delegation may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

ARTICLE 59 AND ARTICLE M²⁴

A. International Law Commission texts

506. The International Law Commission texts read as follows:

Article 59. Personal inviolability

The persons of the head of delegation and of other delegates and members of the diplomatic staff of the delegation shall be inviolable. They shall not be liable to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity.

Article M. Personal inviolability

The person of the observer delegate shall be inviolable. He shall not be liable to any form of arrest or detention. The host State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

B. Amendments

507. Amendments were submitted to articles 59 and M by the Ukrainian SSR (A/CONF.67/C.1/L.92). Amendments were submitted to article 59 by the United Kingdom (A/CONF.67/C.1/L.94) and, orally, by the Ivory Coast. An amendment was submitted to article M by the United States of America (A/CONF.67/C.1/L.124). An oral subamendment was submitted by the Ivory Coast to the amendment by the Ukrainian SSR to article M.

508. The amendments and the subamendment were to the following effect:

(a) *Ukrainian SSR* (A/CONF.67/C.1/L.92):

In the last sentence of article 59, insert the words

²⁴ See the decision of the Committee of the Whole recorded in paragraph 17 above. Article M is numbered 85 in the text adopted by the Committee of the Whole (see chap. III below).

"prosecute and punish" between the words "prevent" and "any attack".

Make article M read as follows:

The persons of the head of the observer delegation and of other delegates, and the persons of members of the diplomatic staff of the delegation shall be inviolable. They shall not be liable to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent, prosecute and punish any attack on their persons, freedom or dignity.

[Adopted; see para. 510 below.]

(b) *United Kingdom* (A/CONF.67/C.1/L.94):

1. Replace the first two sentences of article 59 by the following:

The head of delegation, other delegates and members of the diplomatic staff of the delegation shall enjoy immunity from personal arrest or detention and from seizure of their personal baggage.

2. Change the title to read: "Immunity from arrest or detention".

[Rejected; see para. 510 below.]

(c) *United States of America* (A/CONF.67/C.1/L.124):

Substitute in place of the first two sentences of article M the following: Observer delegates to organs and to conferences shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as observer delegates.

[Rejected; see para. 510 below.]

(d) *Ivory Coast* (oral amendment):

In the second sentence of article 59, after the word "liable," insert the words "in particular".

[Adopted; see para. 510 below.]

(e) *Ivory Coast* (oral subamendment to the amendment by the Ukrainian SSR (A/CONF.67/C.1/L.92):

In the second sentence of the amendment by the Ukrainian SSR to article M, insert after the word "liable" the words "in particular".

[Adopted; see para. 510 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

509. The Committee of the Whole initially considered articles 59 and M at its 28th, 30th and 31st meetings, on 25 and 26 February. At its 48th meeting, on 10 March 1975, the Committee considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

510. At its 31st meeting, the Committee of the Whole voted as follows on articles 59 and M and the amendments thereto:

Article 59

(a) The Committee of the Whole rejected the amendment by the United Kingdom (A/CONF.67/C.1/L.94) by 36 votes to 13, with 11 abstentions;

(b) It adopted the amendment by the Ukrainian

SSR (A/CONF.67/C.1/L.92) by 36 votes to 9, with 15 abstentions;

(c) It adopted the oral amendment by the Ivory Coast by 34 votes to 3, with 21 abstentions;

(d) It adopted the article as a whole as amended by 39 votes to 2, with 19 abstentions, and decided without objection to refer it to the Drafting Committee.

Article M

(a) The Committee of the Whole rejected the amendment by the United States of America (A/CONF.67/C.1/L.124) by 35 votes to 9, with 14 abstentions;

(b) It adopted the oral subamendment by the Ivory Coast to the amendment by the Ukrainian SSR (A/CONF.67/C.1/L.92) by 32 votes to 3, with 24 abstentions;

(c) It adopted the amendment by the Ukrainian SSR (A/CONF.67/C.1/L.92) as subamended by 33 votes to 8, with 19 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

511. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 59 and M adopted by the Drafting Committee. (For the texts, see para. 513 below, subject to the change referred to in para. 512 below.)²⁵

512. The Committee of the Whole substituted the words "*inter alia*" for "in particular" in both texts.

(iv) TEXTS ADOPTED BY THE COMMITTEE OF THE WHOLE

513. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 59 and M:

Article 59. Personal inviolability

The persons of the head of delegation and of other delegates and members of the diplomatic staff of the delegation shall be inviolable. They shall not be liable *inter alia* to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity and to prosecute and punish persons who have committed such attacks.

Article M. Personal inviolability

The persons of the head of the observer delegation and of other observer delegates and members of the diplomatic staff of the observer delegation shall be inviolable. They shall not be liable *inter alia* to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity and to prosecute and punish persons who have committed such attacks.

²⁵ The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

ARTICLE 60

A. International Law Commission text

514. The International Law Commission text provided as follows:

Article 60. Inviolability of private accommodation and property

1. The private accommodation of the head of delegation and of other delegates and members of the diplomatic staff of the delegation shall enjoy the same inviolability and protection as the premises of the delegation.

2. Their papers, correspondence and, except as provided in paragraph 3 of article 61, their property shall likewise enjoy inviolability.

B. Amendments

515. Amendments were submitted to article 60 by Bulgaria, Cuba, Czechoslovakia, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.93), by the United States of America (A/CONF.67/C.1/L.103), and, orally, by the United Kingdom and Israel.

516. These amendments were to the following effect:

(a) *Bulgaria, Cuba, Czechoslovakia, Ukrainian SSR and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.93):²⁶

Add the following subparagraph to paragraph 1:

In case of an attack on the premises of the delegation, the private accommodation of the head of the delegation or of other delegates, or of members of the diplomatic staff of the delegation, the host State shall take appropriate steps to prosecute and punish the persons guilty of committing the attack.

[Withdrawn; see para. 518 below.]

(b) *United States of America* (A/CONF.67/C.1/L.103):

Delete paragraph 1.

Delete paragraph 2 and replace it with the following:

The papers, correspondence and, except as provided in paragraph 3 of article 61, the property of the head of delegation and of other delegates and members of the diplomatic staff of the delegation shall be inviolable.

[Rejected; see para. 519 below.]

(c) *United Kingdom and Israel* (oral amendment):

In paragraph 1, replace the words "The private accommodation of the head of delegation" by "The private accommodation owned or leased by the head of delegation and by other delegates and members of the diplomatic staff of the delegation or on their behalf".

[Rejected; see para. 519 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

517. The Committee of the Whole initially considered article 60 at its 31st meeting, on 26 February

²⁶ An amendment to article N was circulated under the same symbol.

1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

518. At the 31st meeting of the Committee of the Whole, the amendment by Bulgaria, Cuba, Czechoslovakia, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.93) was withdrawn.

519. At the same meeting, the Committee of the Whole voted as follows on article 60 and the amendments thereto:

(a) It rejected the amendment by the United States of America (A/CONF.67/C.1/L.103) by 29 votes to 10, with 15 abstentions;

(b) It rejected the oral amendment by Israel and the United Kingdom by 26 votes to 17, with 11 abstentions;

(c) It adopted article 60 as a whole by 38 votes to 11, with 6 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

520. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 60 adopted by the Drafting Committee. (For the text, see para. 522 below.)

521. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

522. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 60:

Article 60. Inviolability of private accommodation and property

1. The private accommodation of the head of delegation and of other delegates and members of the diplomatic staff of the delegation shall enjoy the same inviolability and protection as the premises of the delegation.

2. The papers, correspondence and, except as provided in paragraph 2 of article 61, the property of the head of delegation and of other delegates or members of the diplomatic staff of the delegation shall also enjoy inviolability.

ARTICLE 61

A. International Law Commission text

523. The International Law Commission text provided as follows:

Article 61. Immunity from jurisdiction

1. The head of delegation and other delegates and members of the diplomatic staff of the delegation shall also enjoy immunity from the criminal jurisdiction of the host State. They shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) a real action relating to private immovable property situated in the territory of the host State, unless the person in question holds it on behalf of the sending State for the purposes of the delegation;

(b) an action relating to succession in which the person in question is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the person in question in the host State outside his official functions;

(d) an action for damages arising out of an accident caused by a vehicle used by the person in question outside the performance of the tasks of the delegation where those damages are not recoverable from insurance.

2. The head of delegation and other delegates and members of the diplomatic staff of the delegation are not obliged to give evidence as witnesses.

3. No measures of execution may be taken in respect of the head of delegation or any other delegates or member of the diplomatic staff of the delegation except in cases coming under subparagraph (a), (b), (c) and (d) of paragraph 1, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his accommodation.

4. The immunity of the head of delegation and of other delegates and members of the diplomatic staff of the delegation from the jurisdiction of the host States does not exempt them from jurisdiction of the sending State.

B. Amendments

524. Amendments were submitted to article 61 by Pakistan (A/CONF.67/C.1/L.69), France (A/CONF.67/C.1/L.86) and the Netherlands (A/CONF.67/C.1/L.95).

525. These amendments were to the following effect:

(a) *Pakistan* (A/CONF.67/C.1/L.69):²⁷

Delete subparagraph (d) of paragraph 1 in article 61. [Not put to the vote.]

(b) *France* (A/CONF.67/C.1/L.86):

Add the following words at the end of the first sentence of paragraph 1: "except in the case of *flagrante delicto*."

[Withdrawn prior to the initial consideration of the article.]

(c) *Netherlands* (A/CONF.67/C.1/L.95 as orally revised):²⁸

Replace by the following:

1. The head of delegation and other delegates and members of the diplomatic staff of the delegation shall enjoy immunity from the criminal jurisdiction of the host State, and immunity from the civil and administrative jurisdiction of the host State in respect of all acts performed in the exercise of their official functions.

2. No measures of execution may be taken in respect of such persons unless they can be taken without infringing their rights under articles 59 and 60.

3. Such persons are not obliged to give evidence as witnesses.

²⁷ A symmetrical amendment was submitted by Pakistan to article 30 under the same symbol.

²⁸ In the original version the words "jurisdiction of the host State and immunity from the" did not appear in paragraph 1, and the words "where these damages are not recoverable from insurance" did not appear in paragraph 5.

4. Any immunity of such persons from the jurisdiction of the host State does not exempt them from the jurisdiction of the sending state.

5. Nothing in this article shall exempt such persons from the jurisdiction of the host State in relation to an action for damages arising from an accident caused by a vehicle, vessel or aircraft used by such persons where these damages are not recoverable from insurance.

[Adopted; see para. 527 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

526. The Committee of the Whole initially considered article 61 at its 32nd and 33rd meetings, on 27 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

527. At its 33rd meeting, the Committee voted as follows on article 61 and the amendments thereto:

(a) It adopted paragraph 1 of the amendment by the Netherlands (A/CONF.67/C.1/L.95 as orally revised) by 29 votes to 23, with 15 abstentions;

(b) It adopted paragraph 5 of the amendment by the Netherlands by 33 votes to 21, with 14 abstentions;

(c) It adopted the amendment by the Netherlands as a whole as amended by 31 votes to 20, with 17 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

528. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 61 adopted by the Drafting Committee. (For the text, see para. 530 below.)

529. The Committee of the Whole made a slight drafting change in the English and French versions of this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

530. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 61:

Article 61. Immunity from jurisdiction

1. The head of delegation and other delegates and members of the diplomatic staff of the delegation shall enjoy immunity from the criminal jurisdiction of the host State, and immunity from its civil and administrative jurisdiction in respect of all acts performed in the exercise of their official functions.

2. No measures of execution may be taken in respect of such persons unless they can be taken without infringing their rights under articles 59 and 60.

3. Such persons are not obliged to give evidence as witnesses.

4. Nothing in this article shall exempt such persons from the civil and administrative jurisdiction of the host State in relation to an action for damages arising from an accident

caused by a vehicle, vessel or aircraft, used or owned by the persons in question, where those damages are not recoverable from insurance.

5. Any immunity of such persons from the jurisdiction of the host State does not exempt them from the jurisdiction of the sending State.

ARTICLE 62 AND ARTICLE P ²⁹

A. International Law Commission texts

531. The International Law Commission texts provided as follows:

Article 62. Waiver of immunity

1. The immunity from jurisdiction of the head of delegation and of other delegates and members of the diplomatic staff of the delegation and of persons enjoying immunity under article 67 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons mentioned in paragraph 1 in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

Article P. Waiver of immunity

1. The immunity from jurisdiction of the observer delegate and of persons enjoying immunity under article U may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 shall preclude them from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons referred to in paragraph 1 in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

B. Amendments

532. Amendments were submitted to article 62 by Japan (A/CONF.67/C.1/L.91) and to article P by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.98) and by Japan (A/CONF.67/C.1/L.136).

533. These amendments were to the following effect:

(a) *Japan* (A/CONF.67/C.1/L.91):

Insert a new paragraph 4 *bis* in article 62, as follows:

Privileges and immunities are accorded to the persons mentioned in paragraph 1, not for their personal benefit, but in order to safeguard the independent exercise of their functions in connexion with the organ or the conference.

²⁹ See the decision of the Committee of the Whole recorded in paragraph 17 above. Article P is numbered 88 in the text adopted by the Committee of the Whole (see chap. III below).

[Adopted in principle and referred to the Drafting Committee; see para. 535 below.]

(b) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.98):

In article P, paragraph 1, replace the words "observer delegate" by the words "head of the observer delegation and of other delegates and members of the diplomatic staff of the delegation".

[Adopted; see para. 535 below.]

(c) *Japan* (A/CONF.67/C.1/L.136):

Add a new paragraph 4 *bis* in article P, as follows:

Privileges and immunities are accorded to the persons mentioned in paragraph 1, not for their personal benefit, but in order to safeguard the independent exercise of their functions in connexion with the organ or conference.

[Adopted in principle and referred to the Drafting Committee; see para. 535 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

534. The Committee of the Whole initially considered articles 62 and P at its 33rd meeting, on 27 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

535. At its 33rd meeting, the Committee of the Whole voted as follows on article 62 and P and on the amendments thereto:

Article 62

The Committee of the Whole adopted the article and the principle embodied in the amendment by Japan (A/CONF.67/C.1/L.91) and decided without objection to refer the article and the amendment by Japan to the Drafting Committee, it being understood that the question of the placement of the amendment would be considered by the Drafting Committee.

Article P

(a) The Committee of the Whole adopted the amendment by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.98) by 39 votes to 7, with 17 abstentions;

(b) It adopted the article as a whole, as amended, by 46 votes to none, with 18 abstentions;

(c) It adopted the principle embodied in the amendment by Japan (A/CONF.67/C.1/L.136) and decided without objection to refer the article as amended and the amendment by Japan to the Drafting Committee, it being understood that the question of the placement of the new paragraph 4 *bis* would be examined by the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

536. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 62 and P adopted by the Drafting Committee. (For the texts, see para. 538 below.)⁸⁰

537. The Committee of the Whole did not make any change in these texts.

(iv) TEXTS ADOPTED BY THE COMMITTEE OF THE WHOLE

538. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 62 and P:

Article 62. Waiver of immunity

1. The immunity from jurisdiction of the head of delegation and of other delegates and members of the diplomatic staff of the delegation and of persons enjoying immunity under article 67 may be waived by the sending State. In this connexion, the sending State shall take duly into account that privileges and immunities are accorded to the persons mentioned not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the organ or the conference.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 of this article shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons mentioned in paragraph 1 of this article in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

Article P. Waiver of immunity

1. The immunity from jurisdiction of the head of the observer delegation and of other observer delegates and members of the diplomatic staff of the observer delegation and of persons enjoying immunity under article U may be waived by the sending State. In this connexion, the sending State shall take duly into account that privileges and immunities are accorded to the persons mentioned not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the organ or the conference.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 of this article shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons referred to in paragraph 1 of this article in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

⁸⁰ The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

ARTICLE 63**A. International Law Commission text**

539. The International Law Commission text provided as follows:

Article 63. Exemption from social security legislation

1. Subject to the provisions of paragraph 3, the head of delegation and other delegates and members of the diplomatic staff of the delegation shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the host State.

2. The exemption provided for in paragraph 1 shall also apply to persons who are in the sole private employ of the head of delegation or of any other delegates or member of the diplomatic staff of the delegation, on condition:

(a) that such employed persons are not nationals of or permanently resident in the host State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. The head of delegation and other delegates and members of the diplomatic staff of the delegation who employ persons to whom the exemption provided for in paragraph 2 does not apply shall observe the obligations which the social security provisions of the host State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 shall not preclude voluntary participation in the social security system of the host State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

B. Amendments

540. No amendment was submitted to article 63.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

541. The Committee of the Whole initially considered article 63 at its 33rd meeting on 27 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

542. At its 33rd meeting, the Committee of the Whole adopted the text of the International Law Commission by 55 votes to 1, with 6 abstentions.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

543. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 63 adopted by the Drafting Committee. (For the text, see para. 545 below.)

544. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

545. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 63:

Article 63. Exemption from social security legislation

1. Subject to the provisions of paragraph 3 of this article, the head of delegation and other delegates and members of the diplomatic staff of the delegation shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the host State.

2. The exemption provided for in paragraph 1 of this article shall also apply to persons who are in the sole private employ of the head of delegation or of any other delegate or member of the diplomatic staff of the delegation, on condition:

(a) that such employed persons are not nationals of or permanently resident in the host State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. The head of delegation and other delegates and members of the diplomatic staff of the delegation who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the host State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the host State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

ARTICLE 64 AND ARTICLE R³¹**A. International Law Commission texts**

546. The International Law Commission texts provided as follows:

Article 64. Exemption from dues and taxes

The head of delegation and other delegates and members of the diplomatic staff of the delegation shall be exempt from all dues and taxes, personal or real, national or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the host State, unless the person concerned holds it on behalf of the sending State for the purposes of the delegation;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article 69;

(d) dues and taxes on private income having its source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 55.

Article R. Exemption from dues and taxes

The observer delegate shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the host State, unless he holds it on behalf of the sending State for the purpose of the observer delegation;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article W;

³¹ See the decision of the Committee of the Whole recorded in paragraph 17 above. Article R is numbered 90 in the text adopted by the Committee of the Whole (see chap. III below).

(d) dues and taxes on private income having its source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property.

B. Amendments

547. An amendment was submitted to article 64 by Canada (A/CONF.67/C.1/L.90); amendments were submitted to article R by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.100) and, orally, by Japan.

548. These amendments were to the following effect:

(a) *Canada* (A/CONF.67/C.1/L.90):

At the beginning of article 64, add the words "To the extent practicable,".

[Adopted; see para. 550 below.]

(b) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.100):

In the opening paragraph of article R, replace the words "observer delegate" by the words "head of the observer delegation and other delegates and members of the diplomatic staff of the delegation". In subparagraph (b), replace the words "he holds" by the words "they hold".

[Adopted; see para. 550 below.]

(c) *Japan* (oral amendment):

At the beginning of article R add the words "To the extent practicable".

[Adopted; see para. 550 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

549. The Committee of the Whole initially considered articles 64 and R at its 33rd meeting, on 27 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

550. At its 33rd meeting, the Committee of the Whole voted as follows on articles 64 and R and the amendments thereto:

Article 64

(a) The Committee of the Whole adopted the amendment by Canada (A/CONF.67/C.1/L.90) by 30 votes to 20, with 15 abstentions;

(b) It took a separate vote on the words "with respect to immovable property" and adopted those words by 23 votes to 13, with 25 abstentions;

(c) It adopted the article as a whole, as amended, by 53 votes to none, with 12 abstentions, and decided without objection to refer it to the Drafting Committee.

Article R

(a) The Committee of the Whole adopted the oral amendment by Japan by 26 votes to 19, with 16 abstentions;

(b) It adopted the amendment by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.100) by 37 votes to 5, with 22 abstentions;

(c) It adopted the article as a whole, as amended, by 41 votes to none, with 24 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

551. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 64 and R adopted by the Drafting Committee. (For the texts, see para. 553 below.)³²

552. The Committee of the Whole did not make any change in these texts.

(iv) TEXTS ADOPTED BY THE COMMITTEE OF THE WHOLE

553. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 64 and R:

Article 64. Exemption from dues and taxes

The head of delegation and other delegates and members of the diplomatic staff of the delegation shall be exempt, to the extent practicable, from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the host State, unless the person concerned holds it on behalf of the sending State for the purposes of the delegation;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article 69;

(d) dues and taxes on private income having its source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 55.

Article R. Exemption from dues and taxes

The head of the observer delegation and other observer delegates and members of the diplomatic staff of the observer delegation shall be exempt, to the extent practicable, from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in

³² The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

the territory of the host State, unless the person concerned holds it on behalf of the sending State for the purpose of the observer delegation;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article W;

(d) dues and taxes on private income having its source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property.

ARTICLE 65 AND ARTICLE S⁸³

A. International Law Commission texts

554. The International Law Commission texts provided as follows:

Article 65. Exemption from personal services

The host State shall exempt the head of delegation and other delegates and members of the diplomatic staff of the delegation from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article S. Exemption from personal services

The host State shall exempt the observer delegate from all personal services, from all public service of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

B. Amendments

555. An amendment was submitted to article S by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.101).

556. This amendment sought to replace the words "observer delegate" by the words "head of the observer delegation and other delegates and members of the diplomatic staff of the delegation".

[Adopted; see para. 558 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

557. The Committee of the Whole initially considered articles 65 and S at its 34th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

558. At its 34th meeting, the Committee of the Whole voted as follows on articles 65 and S and the amendment thereto:

Article 65

The Committee of the Whole adopted the International Law Commission text for this article and decided without objection to refer it to the Drafting Committee.

⁸³ See the decision of the Committee of the Whole recorded in paragraph 17 above. Article S is numbered 91 in the text adopted by the Committee of the Whole (see chap. III below).

Article S

(a) The Committee of the Whole adopted the amendment by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.101) by 32 votes to 4, with 24 abstentions;

(b) It adopted article S as a whole, as amended, by 36 votes to none, with 24 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

559. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 65 and S adopted by the Drafting Committee. (For the texts, see para. 561 below.)⁸⁴

560. The Committee of the Whole did not make any change in these texts.

(iv) TEXTS ADOPTED BY THE COMMITTEE OF THE WHOLE

561. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 65 and S:

Article 65. Exemption from personal services

The host State shall exempt the head of delegation and other delegates and members of the diplomatic staff of the delegation from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article S. Exemption from personal services

The host State shall exempt the head of the observer delegation and other observer delegates and members of the diplomatic staff of the observer delegation from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 66 AND ARTICLE T⁸⁵

A. International Law Commission texts

562. The International Law Commission texts provided as follows:

Article 66. Exemption from customs duties and inspection

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the delegation;

(b) articles for the personal use of the head of delegation or of any other delegate or member of the diplomatic staff of the delegation.

⁸⁴ The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

⁸⁵ See the decision of the Committee of the Whole recorded in paragraph 17 above. Article T is numbered 92 in the text adopted by the Committee of the Whole (see chap. III below).

2. The personal baggage of the head of delegation or of any other delegate or member of the diplomatic staff of the delegation shall be exempt from inspection unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1, or articles the import or export of which is prohibited by the law or controlled by the regulations of the host State. In such cases, inspection shall be conducted only in the presence of the person enjoying the exemption or of his authorized representative.

Article T. Exemption from customs duties and inspection

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the observer delegation;

(b) articles for the personal use of the observer delegate.

2. The personal baggage of the observer delegate shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1, or articles the import or export of which is prohibited by law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted only in the presence of the observer delegate or of his authorized representative.

B. Amendments

563. Amendments were submitted to article 66 by France (A/CONF.67/C.1/L.117) and article T by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.113) and, orally, by Japan.

564. These amendments were to the following effect:

(a) *France* (A/CONF.67/C.1/L.117):

In paragraph 1 (a) of article 66, replace the word "official" by the word "administrative".

After the words "the delegation" in subparagraph (b), add the words "imported in their personal baggage at the time of their first entry into the territory of the host State to attend the meeting of the organ or conference".

[The amendment to subparagraph (a) was rejected and the amendment to subparagraph (b) was adopted; see para. 566 below.]

(b) *Bulgaria, Byelorussian SSR, Cuba Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian SSR, and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.113):

In paragraph 1 (b) of article T, replace the words "observer delegate" by the words "head of the observer delegation or of any other observer delegate or member of the diplomatic staff of the observer delegation".

Amend paragraph 2 of article T to read as follows:

2. The personal baggage of the head of the observer delegation or of any other observer delegate or member of the diplomatic staff of the observer delegation shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted

only in the presence of the person enjoying the exemption or of his authorized representative.

[Adopted; see para. 566 below.]

(c) *Japan* (oral amendment):

At the end of paragraph 1(b) of article T add a phrase along the lines of the phrase proposed for insertion in paragraph 1(b) of article 66 in the amendment by France to that article (A/CONF.67/C.1/L.117).

[Adopted; see para. 566 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

565. The Committee of the Whole initially considered articles 66 and T at its 34th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

566. At its 34th meeting, the Committee of the Whole voted as follows on articles 66 and T and the amendments thereto:

Article 66

(a) The Committee of the Whole rejected the amendment by France to paragraph 1(a) (A/CONF.67/C.1/L.117) by 20 votes to 12, with 29 abstentions;

(b) It adopted the amendment by France to paragraph 1(b) (A/CONF.67/C.1/L.117) by 20 votes to 18, with 23 abstentions;

(c) It adopted the article as a whole, as amended, by 41 votes to none, with 19 abstentions, and decided without objection to refer it to the Drafting Committee.

Article T

(a) The Committee of the Whole adopted the amendment by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.113) by 34 votes to 4, with 24 abstentions;

(b) It adopted the oral amendment by Japan by 23 votes to 15, with 24 abstentions;

(c) It adopted the article as a whole, as amended, by 29 votes to none, with 33 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

567. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 66 and T adopted by the Drafting Committee. (For the texts, see para. 569 below.)³⁶

568. The Committee of the Whole did not make any change in these texts.

³⁶ The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

(iv) TEXTS ADOPTED BY THE COMMITTEE
OF THE WHOLE

569. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 66 and T:

Article 66. Exemption from customs duties and inspection

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the delegation;

(b) articles for the personal use of the head of delegation or any other delegate or member of the diplomatic staff of the delegation, imported in his personal baggage at the time of his first entry into the territory of the host State to attend the meeting of the organ or conference.

2. The personal baggage of the head of delegation or any other delegate or member of the diplomatic staff of the delegation shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted only in the presence of the person enjoying the exemption or of his authorized representative.

Article T. Exemption from customs duties and inspection

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the observer delegation;

(b) articles for the personal use of the head of the observer delegation or any observer delegate or member of the diplomatic staff of the observer delegation, imported in his personal baggage at the time of his first entry into the territory of the host State to attend the meeting of the organ or conference.

2. The personal baggage of the head of the observer delegation or any other observer delegate or member of the diplomatic staff of the observer delegation shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted only in the presence of the person enjoying the exemption or of his authorized representative.

ARTICLE 67 AND ARTICLE U⁸⁷

A. International Law Commission texts

570. The International Law Commission texts provided as follows:

Article 67. Privileges and immunities of other persons

1. The members of the family of the head of delegation who accompany him, and the members of the family of any other delegate or member of the diplomatic staff of the delegation who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 59, 60, 61, 63, 64, 65 and paragraphs 1 (b) and 2 of article 66.

2. Members of the administrative and technical staff of the delegation, together with members of their families who accompany them and who are not nationals of or permanently

resident in the host State, shall enjoy the privileges and immunities specified in articles 59, 60, 61, 63, 64 and 65, except that the immunity from civil and administrative jurisdiction of the host State specified in paragraph 1 of article 61 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1(b) of article 66 in respect of articles imported at the time of their first entry into the territory of the host State for the purpose of attending the meeting of the organ or conference.

3. Members of the service staff of the delegation shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption provided for in article 63.

4. Private staff of members of the delegation shall be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the tasks of the delegation.

Article U. Privileges and immunities of other persons

1. Members of the family of an observer delegate shall, if they accompany him, enjoy the privileges and immunities specified in articles M, N, O, Q, R, S and T provided that they are not nationals of or permanently resident in the host State.

2. Members of the administrative and technical staff of the observer delegation together with members of their families who accompany them and who are not nationals of or permanently resident in the host State, shall enjoy the privileges specified in paragraph 1(b) of article T in respect of articles imported at the time of their first entry into the territory of the host State for the purpose of attending the meeting of the organ or conference and exemption from dues and taxes on the emoluments they receive by reason of their employment.

B. Amendments

571. Amendments were submitted to article 67 by the Federal Republic of Germany (A/CONF.67/C.1/L.102), the United States of America (A/CONF.67/C.1/L.105) and the United Kingdom (A/CONF.67/C.1/L.118); an oral subamendment was submitted by Peru to the amendment by the United Kingdom. Amendments to article U were submitted by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.114) and by the United States of America (A/CONF.67/C.1/L.127).

572. These amendments were to the following effect:

(a) *Germany (Federal Republic of)* (A/CONF.67/C.1/L.102):

After the words "of the delegation" in paragraph 3 of article 67, insert the words "who are not nationals of or permanently resident in the host State".

After the word "delegation" in paragraph 4 of article 67, insert the words "if they are not nationals of or permanently resident in the receiving State".

[Adopted; see para. 575 below.]

(b) *United States of America* (A/CONF.67/C.1/L.105):

Delete article 67.

[Withdrawn; see para. 575 below.]

⁸⁷ See the decision of the Committee of the Whole recorded in paragraph 17 above. Article U is numbered 93 in the text adopted by the Committee of the Whole (see chap. III below).

(c) *United Kingdom* (A/CONF.67/C.1/L.118 as orally revised):⁸⁸

1. Replace paragraph 1 of article 67 by the following:

The members of the family of the head of delegation who accompany him, and the members of the family of any other delegate or members of the diplomatic or the administrative and technical staff of the delegation who accompany him, shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities provided for in article 65 and in paragraph 1 (b) of article 66 and exemption from aliens' registration obligations.

2. Delete the words, "together with members of their families who accompany them and who are not nationals of or permanently resident in the host State," in paragraph 2.

3. After the word "imported" in the same paragraph add the words "in their personal baggage".

4. Replace the opening words of paragraph 3 by the following:

3. Members of the service staff shall enjoy the same immunity in respect of acts performed in the course of their duties as is accorded to members of the administrative and technical staff of the delegation, exemption from dues and taxes

[Point 1 was adopted in an amended form and points 2, 3 and 4 were adopted; see para. 575 below.]

(d) *Peru* (oral subamendment to the amendment by the United Kingdom to paragraph 1 (A/CONF.67/C.1/L.118 as orally revised)):

Replace the end of the text proposed for paragraph 1 in the amendment by the United Kingdom by the words "provided for in articles 59, 61 and 65 and in paragraphs 1 (b) and 2 of article 66 and exemption from aliens' registration obligations".

[Adopted; see para. 575 below.]

(e) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian SSR and Union of Soviet Socialist Republics*: (A/CONF.67/C.1/L.114):

In paragraph 1 of article U, replace the words "Members of the family of an observer delegate shall, if they accompany him", by the following:

The members of the family of the head of the observer delegations who accompany him, and the members of the family of any other observer delegate or member of the diplomatic staff of the observer delegations who accompany him shall.

[Not put to the vote; see para. 576 below.]

(f) *United States of America* (A/CONF.67/C.1/L.127):

Delete article U.

[Withdrawn; see para. 574 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

573. The Committee of the Whole initially considered articles 67 and U at its 34th, 35th and 37th meet-

ings, on 28 February and 3 March 1975. At its 48th meeting, on 10 March 1975, it considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

574. At the 34th meeting of the Committee of the Whole, the amendments by the United States of America to article 67 (A/CONF.67/C.1/L.105) and to article U (A/CONF.67/C.1/L.127) were withdrawn.

575. At the same meeting, the Committee of the Whole voted as follows on article 67 and the amendments and the subamendment thereto:

(a) It adopted the oral subamendment by Peru to point 1 of the amendment by the United Kingdom (A/CONF.67/C.1/L.118, as orally revised), by 36 votes to 1, with 23 abstentions;

(b) It adopted point 1 of the amendment by the United Kingdom, as subamended, by 26 votes to 12, with 23 abstentions;

(c) It adopted points 2 and 3 of the amendment by the United Kingdom by 22 votes to 20, with 18 abstentions;

(d) It adopted point 4 of the amendment by the United Kingdom by 20 votes to 17, with 22 abstentions;

(e) It adopted the amendment by the Federal Republic of Germany (A/CONF.67/C.1/L.102) by 55 votes to none, with 4 abstentions;

(f) It adopted the article as a whole, as amended, by 32 votes to 11 with 20 abstentions, and decided without objection to refer it to the Drafting Committee, it being understood that the Drafting Committee would examine the question whether under the text as adopted by the Committee of the Whole the members of the family of the members of the administrative and technical staff would enjoy more privileges than the members of the administrative and technical staff themselves.

576. At its 35th meeting, the Committee of the Whole decided to postpone its decision on article U until all the articles referred to in article U had been adopted. At its 37th meeting, the Committee of the Whole decided by 28 votes to 8, with 25 abstentions, that paragraphs 1 and 2 of article U should be brought into line with paragraphs 1 and 2 of article 67 as adopted by the Committee of the Whole at its 34th meeting, and instructed the Drafting Committee to draft article U accordingly.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

577. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 67 and U adopted by the Drafting Committee. (For the texts, see para. 579 below, subject to the changes suggested in the next sentence.)⁸⁹ Both texts

⁸⁸ In the original version of the amendments, point 4 read "Delete paragraph 3" and there was a point 5 reading "Delete paragraph 4".

⁸⁹ The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

were accompanied by a footnote suggesting that the words "if they are not nationals of or permanently resident in the host State," should be inserted in paragraph 2 after the words "Members of the administrative and technical staff of the delegation shall" and "Members of the family of a member of the administrative and technical staff who accompany him shall".

578. The Committee of the Whole decided to make the suggested changes in both texts.

(iv) TEXTS ADOPTED BY THE COMMITTEE
OF THE WHOLE

579. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 67 and U:

Article 67. Privileges and immunities of other persons

1. The members of the family of the head of delegation who accompany him and the members of the family of any other delegate or member of the diplomatic staff of the delegation who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 59, 61 and 65 and in paragraphs 1 (b) and 2 of article 66 and exemption from aliens' registration obligations.

2. Members of the administrative and technical staff of the delegation shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 59, 60, 61, 63, 64 and 65, except that the immunity from civil and administrative jurisdiction of the host State specified in paragraph 1 of article 61 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1 (b) of article 66 in respect of articles imported in their personal baggage at the time of their first entry into the territory of the host State for the purpose of attending the meeting of the organ or conference. Members of the family of a member of the administrative and technical staff who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 59, 61 and 65 and in paragraph 1 (b) of article 66 to the extent accorded to such a member of the staff.

3. Members of the service staff of the delegation who are not nationals of or permanently resident in the host State shall enjoy the same immunity in respect of acts performed in the course of their duties as is accorded to members of the administrative and technical staff of the delegation, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption specified in article 63.

4. Private staff of members of the delegation shall, if they are not nationals of or permanently resident in the host State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the tasks of the delegation.

Article U. Privileges and immunities of other persons

1. The members of the family of the head of the observer delegation who accompany him and the members of the family of any other observer delegate or member of the diplomatic staff of the observer delegation who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 85, 87 and 91 and in paragraphs 1 (b) and 2 of article 92 and exemption from aliens' registration obligations.

2. Members of the administrative and technical staff of the observer delegation shall, if they are not nationals of or per-

manently resident in the host State, enjoy the privileges and immunities specified in articles 85, 86, 87, 89, 90 and 91, except that the immunity from civil and administrative jurisdiction of the host State specified in paragraph 1 of article 87 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1 (b) of article 92 in respect of articles imported in their personal baggage at the time of their first entry into the territory of the host State for the purpose of attending the meeting of the organ or conference. Members of the family of a member of the administrative and technical staff who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 85, 87 and 91 and in paragraph 1 (b) of article 92 to the extent accorded to such a member of the staff.

ARTICLE 68 AND ARTICLE V ⁴⁰

A. International Law Commission texts

580. The International Law Commission texts provided as follows:

Article 68. Nationals of the host State and persons permanently resident in the host State

1. Except in so far as additional privileges and immunities may be granted by the host State, the head of delegation and any other delegate or member of the diplomatic staff of the delegation who are nationals of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of their functions.

2. Other members of the staff of the delegation and persons on the private staff who are nationals of or permanently resident in the host State shall enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members and persons in such a manner as not to interfere unduly with the performance of the tasks of the delegation.

Article V. Nationals of the host State and persons permanently resident in the host State

1. Except in so far as additional privileges and immunities may be granted by the host State, an observer delegate who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

2. Members of the administrative and technical staff of the observer delegation who are nationals of or permanently resident in the host State shall enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members in such a manner as not to interfere unduly with the performance of the task of the observer delegation.

B. Amendments

581. An amendment was submitted to article V by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.115).

582. This amendment sought to replace the words "an observer delegate who is a national" in paragraph 1 of article V by the words "the head of an observer delegation and other observer delegates and members

⁴⁰ See the decision of the Committee of the Whole recorded in paragraph 17 above. Article V is numbered 94 in the text adopted by the Committee of the Whole (see chap. III below).

of the diplomatic staff of an observer delegation who are nationals" and the word "his" by the word "their".

[Adopted; see para. 584 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

583. The Committee of the Whole initially considered article 68 and article V at its 35th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

584. At its 35th meeting, the Committee of the Whole voted as follows on articles 68 and V and the amendment thereto:

Article 68

The Committee of the Whole adopted the International Law Commission text and decided without objection to refer it to the Drafting Committee.

Article V

(a) The Committee of the Whole adopted the 10-Power amendment (A/CONF.67/C.1/L.115) by 29 votes to 2, with 17 abstentions;

(b) It adopted article V as a whole, as amended, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

585. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 68 and V adopted by the Drafting Committee. (For the texts, see para. 587 below.)⁴¹

586. The Committee of the Whole did not make any change in these texts.

(iv) TEXTS ADOPTED BY THE COMMITTEE OF THE WHOLE

587. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 68 and V:

Article 68. Nationals and permanent residents of the host State

1. Except in so far as additional privileges and immunities may be granted by the host State the head of delegation or any other delegate or member of the diplomatic staff of the delegation who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the delegation and persons on the private staff who are nationals of or permanently resident in the host State shall enjoy privileges and immunities only

to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members and persons in such a manner as not to interfere unduly with the performance of the tasks of the delegation.

Article V. Nationals and permanent residents of the host State

1. Except in so far as additional privileges and immunities may be granted by the host State, the head of the observer delegation or any other observer delegate or member of the diplomatic staff of the observer delegation who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the observer delegation who are nationals of or permanently resident in the host State shall enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members in such a manner as not to interfere unduly with the performance of the tasks of the observer delegation.

ARTICLE 69 AND ARTICLE W⁴²

A. International Law Commission texts

588. The International Law Commission texts provided as follows:

Article 69. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them 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, from the moment when his appointment is notified to the host State by the Organization, by the conference or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in the exercise of his functions as a member of the delegation, immunity shall continue to subsist.

3. In case of the death of a member of the delegation, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the delegation not a national of or permanently resident in the host State or of a member of his family accompanying him, the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the delegation or of the family of a member of the delegation.

Article W. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them 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, from the moment when his appointment is notified to the host State by the Organization, by the conference or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in

⁴¹ The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

⁴² See the decision of the Committee of the Whole recorded in paragraph 17 above. Article W is numbered 95 in the text adopted by the Committee of the Whole (see chap. III below).

the exercise of his functions as a member of the observer delegation, immunity shall continue to subsist.

3. In case of the death of a member of the observer delegation, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the observer delegation not a national of or permanently resident in the host State or of a member of his family accompanying him the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the observer delegation or of the family of a member of the observer delegation.

B. Amendments

589. No amendment was submitted to article 69 or article W.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

590. The Committee of the Whole initially considered articles 69 and W at its 35th meeting on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

591. At its 35th meeting, the Committee of the Whole voted as follows on articles 69 and W:

Article 69

(a) The Committee of the Whole took a separate vote on the words "if already in its territory" in paragraph 1, and adopted those words by 32 votes to 5, with 11 abstentions;

(b) It adopted the International Law Commission text by 47 votes to none, with 2 abstentions, and decided without objection to refer it to the Drafting Committee.

Article W

The Committee of the Whole adopted the International Law Commission text by 37 votes to none, with 15 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

592. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 69 and W adopted by the Drafting Committee. (For the texts, see para. 594 below.)⁴³

593. The Committee of the Whole did not make any change in these texts.

(iv) TEXTS ADOPTED BY THE COMMITTEE OF THE WHOLE

594. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 69 and W:

Article 69. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them 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, from the moment when his appointment is notified to the host State by the Organization, by the conference or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the territory, or on the expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in the exercise of his functions as a member of the delegation, immunity shall continue to subsist.

3. In the event of the death of a member of the delegation, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the territory.

4. In the event of the death of a member of the delegation not a national of or permanently resident in the host State or of a member of his family accompanying him, the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the territory the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the delegation or of the family of a member of the delegation.

Article W. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them 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, from the moment when his appointment is notified to the host State by the Organization, by the conference or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the territory, or on the expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in the exercise of his functions as a member of the observer delegation, immunity shall continue to subsist.

3. In the event of the death of a member of the observer delegation, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the territory.

4. In the event of the death of a member of the observer delegation not a national of or permanently resident in the host State or of a member of his family accompanying him, the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the territory the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the observer delegation or of the family of a member of the observer delegation.

ARTICLE 70 AND ARTICLE X⁴⁴

A. International Law Commission texts

595. The International Law Commission texts provided as follows:

⁴⁴ See the decision of the Committee of the Whole recorded in paragraph 17 above. Article X is numbered 96 in the text adopted by the Committee of the Whole (see chap. III below).

⁴³ The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

Article 70. End of the functions of the head of delegation or any other delegate or member of the diplomatic staff

The functions of the head of delegation or of any other delegate or member of the diplomatic staff of the delegation shall come to an end, *inter alia*:

- (a) on notification of their termination by the sending State to the Organization or the conference;
- (b) upon the conclusion of the meeting of the organ or the conference.

Article X. End of the functions of the observer delegate

The functions of the observer delegate shall come to an end, *inter alia*:

- (a) on notification of their termination by the sending State to the Organization or the conference;
- (b) upon the conclusion of the meeting of the organ or the conference.

B. Amendments

596. An amendment was submitted to article X by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.116).

597. This amendment was to the following effect:

1. Amend the title of the article to read as follows:

Article X. End of the functions of the head of the observer delegation, other observer delegates or members of the diplomatic staff of the observer delegation.

2. In the opening sentence of the article, replace the words "observer delegate" by the words "head of the observer delegation, other observer delegates or members of the diplomatic staff of the observer delegation".

[Adopted; see para. 599 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

598. The Committee of the Whole initially considered articles 70 and X at its 35th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the reports of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

599. At its 35th meeting, the Committee of the Whole voted as follows on articles 70 and X and the amendment thereto:

Article 70

The Committee of the Whole adopted the International Law Commission text and decided without objection to refer it to the Drafting Committee.

Article X

(a) The Committee of the Whole adopted the ten-Power amendment (A/CONF.67/C.1/L.116) by 34 votes to 2, with 15 abstentions;

(b) It adopted the article as a whole as amended by 38 votes to none, with 14 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

600. At its 48th meeting, the Committee of the Whole had before it the reports of the Drafting Committee (A/CONF.67/C.1/2 and 3) containing the texts of articles 70 and X adopted by the Drafting Committee. (For the texts, see para. 602 below.)⁴⁵

601. The Committee of the Whole did not make any change in these texts.

(iv) TEXTS ADOPTED BY THE COMMITTEE OF THE WHOLE

602. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 70 and X:

Article 70. End of functions

The functions of the head of delegation or of any other delegate or member of the diplomatic staff of the delegation shall come to an end, *inter alia*:

- (a) on notification of their termination by the sending State to the Organization or the conference;
- (b) upon the conclusion of the meeting of the organ or the conference.

Article X. End of functions

The functions of the head of the observer delegation or of any other observer delegate or member of the diplomatic staff of the observer delegation shall come to an end, *inter alia*:

- (a) on notification of their termination by the sending State to the Organization or the conference;
- (b) upon the conclusion of the meeting of the organ or the conference.

ARTICLE 71

A. International Law Commission text

603. The International Law Commission text provided as follows:

Article 71. Protection of premises, property and archives

1. When the meeting of an organ or a conference comes to an end, the host State must respect and protect the premises of the delegation so long as they are assigned to it, as well as the property and archives of the delegation. The sending State must take all appropriate measures to terminate this special duty of the host State within a reasonable time.

2. The host State, if requested by the sending State, shall grant the latter facilities for removing the property and the archives of the delegation from the territory of the host State.

B. Amendments

604. An oral amendment was submitted to article 71 by Austria.

605. This amendment sought to replace the words "within a reasonable time" at the end of paragraph 1 by "as soon as possible".

[Adopted; see para. 607 below.]

⁴⁵ The texts adopted by the Drafting Committee for the articles in question were considered by the Committee of the Whole separately and in their proper sequence. The joint presentation has been adopted for reasons of clarity.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

606. The Committee of the Whole initially considered article 71 at its 35th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

607. At its 35th meeting, the Committee of the Whole adopted the oral amendment by Austria. It adopted the article as a whole as amended and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

608. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/2) containing the text of article 71 adopted by the Drafting Committee. (For the text, see para. 610 below.)

609. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

610. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 71:

Article 71. Protection of premises, property and archives

1. When the meeting of an organ or a conference comes to an end, the host State must respect and protect the premises of the delegation so long as they are used by it, as well as the property and archives of the delegation. The sending State must take all appropriate measures to terminate this special duty of the host State as soon as possible.

2. The host State, if requested by the sending State, shall grant the latter facilities for removing the property and the archives of the delegation from the territory of the host State.

PART IV. OBSERVER DELEGATIONS TO ORGANS AND TO CONFERENCES⁴⁶

611. On the recommendation of the Drafting Committee (see A/CONF.67/C.1/3), the Committee of the Whole decided, at its 47th meeting, to recommend to the Conference that the above title be maintained without change.

⁴⁶ In the draft articles submitted by the International Law Commission, the provisions relating to observer delegations to organs and to conferences appeared in an annex as articles A to X. As indicated in paragraph 22 above, the Committee of the Whole decided at its 45th meeting to consider those articles as part IV of the Convention. For the sake of clarity, it has seemed preferable to take that decision into account in organizing chapter II of this report rather than to follow the original structure of the International Law Commission draft. The letters of the articles have, however, been maintained, the final numbering of each of the articles concerned in the text adopted by the Committee of the Whole (see chap. III below) being indicated in a foot-note.

[NOTE CONCERNING ARTICLE A

As indicated in para. 22 above, the Committee of the Whole decided at its 45th meeting to regard article A of the annex as part of article 1 of the Convention. The description of the proceedings concerning article A therefore appears under a section entitled "Article 1 and Article A", which is to be found, for the reasons indicated in the note following paragraph 28 above, at the end of chapter II.]

ARTICLE B⁴⁷**A. International Law Commission text**

612. The International Law Commission text provided as follows:

Article B. Sending of observer delegations

A State may send an observer delegation to an organ or to a conference in accordance with the rules and decisions of the Organization.

B. Amendments

613. No amendment was submitted to article B.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

614. The Committee of the Whole initially considered article B at its 35th meeting on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

615. At its 35th meeting, the Committee of the Whole adopted article B by 42 votes to none, with 16 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

616. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article B adopted by the Drafting Committee. (For the text, see para. 618 below.)

617. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

618. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article B:

Article B. Sending of observer delegations

A State may send an observer delegation to an organ or to a conference in accordance with the rules of the Organization.

⁴⁷ Article B is numbered 72 in the text adopted by the Committee of the Whole (see chap. III below).

ARTICLE C ⁴⁸**A. International Law Commission text**

619. The International Law Commission text provided as follows:

Article C. Appointment of the members of the observer delegation

Subject to the provisions of article 72, the sending State may freely appoint the members of the observer delegation.

B. Amendments

620. No amendment was submitted to article C.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

621. The Committee of the Whole initially considered article C at its 35th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

622. At its 35th meeting, the Committee of the Whole adopted the International Law Commission text by 41 votes to 3, with 18 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

623. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article C adopted by the Drafting Committee. (For the text, see para. 625 below.)

624. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

625. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article C:

Article C. Appointment of the members of the observer delegation

Subject to the provisions of articles E and 72, the sending State may freely appoint the members of the observer delegation.

ARTICLE D ⁴⁹**A. International Law Commission text**

626. The International Law Commission text provided as follows:

Article D. Letter of appointment of the observer delegate

The letter of appointment of the observer delegate shall be issued either by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or, if the rules of the Organization or the rules of procedure of the conference so admit, by another competent authority of the sending State. It shall be transmitted, as the case may be, to the Organization or to the conference.

B. Amendments

627. Amendments were submitted to article D by the Federal Republic of Germany (A/CONF.67/C.1/L.31) ⁵⁰ and by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.109).

628. These amendments were to the following effect:

(a) *Germany (Federal Republic of)* (A/CONF.67/C.1/L.31):

Reformulate the last sentence of article D as follows:

They shall be transmitted, as the case may be, to the Chief Executive Officer of the Organization or to the Secretary of the Conference.

[Withdrawn prior to the initial consideration of the article.]

(b) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian SSR and Union of Social Socialist Republics* (A/CONF.67/C.1/L.109):

1. In the title of the article, amend the expression "observer delegate" to read "observer delegation".

2. In the first sentence of the article, replace the words "observer delegate" by the words "head of the observer delegation and other observer delegates".

[Adopted; see para. 630 below.]

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

629. The Committee of the Whole initially considered article D at its 35th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

630. At its 35th meeting, the Committee of the Whole adopted the 10-Power amendment (A/CONF.67/C.1/L.109) by 38 votes to 4, with 19 abstentions. It adopted the article as a whole, as amended, and decided without objection to refer it to the Drafting Committee.

⁴⁸ Article C is numbered 73 in the text adopted by the Committee of the Whole (see chap. III below).

⁴⁹ Article D is numbered 74 in the text adopted by the Committee of the Whole (see chap. III below).

⁵⁰ Symmetrical amendments to article 10 (Credentials of the head of mission) and article 44 (Credentials of delegates) were submitted under the same symbol by the Federal Republic of Germany.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

631. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article D adopted by the Drafting Committee. (For the text, see para. 633 below.)

632. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

633. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article D:

Article D. Letter of appointment of observer delegates

The letter of appointment of the head of the observer delegation and other observer delegates shall be issued by the Head of State, by the Head of Government, by the Minister for Foreign Affairs or, if the rules of the Organization or the rules of procedure of the conference so permit, by another competent authority of the sending State. It shall be transmitted, as the case may be, to the Organization or to the conference.

ARTICLE E⁵¹

A. International Law Commission text

634. The International Law Commission text provided as follows:

Article E. Composition of the observer delegation

1. The observer delegation may consist of one or more observer delegates.

2. It may also, if necessary, include some administrative and technical staff.

B. Amendments

635. Amendments were submitted to article E by the United States of America (A/CONF.67/C.1/L.121) and by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.110) and, orally, by the United Kingdom. Oral subamendments were submitted by Spain to the ten-Power amendment (A/CONF.67/C.1/L.110) and to the oral amendment by the United Kingdom.

636. These amendments and subamendments were to the following effect:

(a) *United States of America* (A/CONF.67/C.1/L.121):

Delete paragraph 2.

[Withdrawn; see para. 638 below.]

(b) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian SSR and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.110 as orally revised):⁵²

⁵¹ Article E is numbered 75 in the text adopted by the Committee of the Whole (see chap. III below).

⁵² In the original version, the words "administrative and technical staff and service staff" did not appear.

Amend paragraph 1 to read as follows:

In addition to the head of the observer delegation, the observer delegation may include other observer delegates, diplomatic staff, administrative and technical staff and service staff.

[Adopted; see para. 639 below.]

(c) *United Kingdom* (oral amendment):

Add to the article a paragraph 3, reading as follows:

3. The size of the observer delegation shall not exceed what is reasonable and normal having regard to the functions of the observer delegation and to the circumstances and conditions in the host State.

[Adopted; see para. 639 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

637. The Committee of the Whole started its initial consideration of article E at its 35th meeting, on 28 February 1975, and resumed it at its 46th meeting, on 7 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

638. At the 35th meeting of the Committee of the Whole, the amendment by the United States of America (A/CONF.67/C.1/L.121) was withdrawn.

639. At the same meeting, the Committee of the Whole decided to postpone its decision on article E and the amendments and subamendments thereto until it had disposed of articles 1 and A. At its 46th meeting, the Committee of the Whole voted as follows on article E and the amendments thereto:

(a) It adopted the oral subamendment by the United Kingdom by 41 votes to none, with 21 abstentions;

(b) It adopted the ten-Power amendment (A/CONF.67/C.1/L.110 as orally revised) by 38 votes to 2, with 20 abstentions;

(c) It adopted the article as a whole, as amended, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

640. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article E adopted by the Drafting Committee. (For the text, see para. 642 below.)

641. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

642. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article E:

Article E. Composition of the observer delegation

1. In addition to the head of the observer delegation, the observer delegation may include other observer delegates, diplomatic staff, administrative and technical staff and service staff.

2. The size of the observer delegation shall not exceed what is reasonable and normal, having regard to the tasks of the observer delegation and to the circumstances and conditions in the host State.

ARTICLE F⁵³

A. International Law Commission text

643. The International Law Commission text provided as follows:

Article F. Notifications

1. The sending State shall notify the Organization or, as the case may be, the conference of:

(a) the composition of the observer delegation and any subsequent changes therein;

(b) the arrival and final departure of members of the observer delegation and the termination of their functions with the observer delegation;

(c) the arrival and final departure of any person accompanying a member of the observer delegation;

(d) the beginning and the termination of the employment of persons resident in the host State as members of the administrative and technical staff of the observer delegation;

(e) the location of the accommodation enjoying inviolability under article N as well as any other information that may be necessary to identify such accommodation.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization or, as the case may be, the conference, shall transmit to the host State the notifications referred to in paragraphs 1 and 2.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2.

B. Amendments

644. Amendments were submitted to article F by the United States of America (A/CONF.67/C.1/L.122) and, orally, by Spain.

645. These amendments were to the following effect:

(a) *United States of America* (A/CONF.67/C.1/L.122):

Delete the words "enjoying inviolability under article N" in paragraph 1(e).

[Withdrawn; see para. 647 below.]

(b) *Spain* (oral amendment):

In paragraph 1(a), after the words "observer delegation", insert the words "including the position, title and order of precedence of the members of the observer delegation."

[Adopted; see para. 648 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

646. The Committee of the Whole initially considered article F at its 35th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

⁵³ Article F is numbered 76 in the text adopted by the Committee of the Whole (see chap. III below).

(ii) INITIAL CONSIDERATION

647. At the 35th meeting of the Committee of the Whole, the amendment by the United States of America (A/CONF.67/C.1/L.122) was withdrawn.

648. At the same meeting, the Committee of the Whole adopted the oral amendment by Spain by 34 votes to 3, with 15 abstentions. It then adopted the article as a whole, as amended, by 36 votes to 1, with 20 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

649. At the 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article F adopted by the Drafting Committee. (For the text, see para. 651 below.)

650. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

651. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article F:

Article F. Notifications

1. The sending State shall notify the Organization or, as the case may be, the conference of:

(a) the composition of the observer delegation, including the position, title and order of precedence of the members of the observer delegation, and any subsequent changes therein;

(b) the arrival and final departure of members of the observer delegation and the termination of their functions with the observer delegation;

(c) the arrival and final departure of any person accompanying a member of the observer delegation;

(d) the beginning and the termination of the employment of persons resident in the host State as members of the staff of the observer delegation;

(e) the location of the private accommodation enjoying inviolability under article N, as well as any other information that may be necessary to identify such accommodation.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization or, as the case may be, the conference shall transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

PROPOSAL FOR A NEW ARTICLE F, *bis*⁵⁴

A. Text of the proposal

652. A proposal for the insertion of a new article F *bis* was submitted by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.111).

⁵⁴ Article F *bis* is numbered 77 in the text adopted by the Committee of the Whole (see Chap. III below).

653. The text of the proposed article read as follows:

Article F bis. Acting head of observer delegation

If the head of the observer delegation is absent or unable to perform his functions, an acting head shall be designated from among the other observer delegates by the head of the observer delegation or, in case he is unable to do so, by a competent authority of the sending State. The name of the acting head shall be notified, as the case may be, to the Organization or to the conference.

B. Amendments

654. An oral amendment was submitted to the 10-Power proposal by Spain.

655. That amendment sought to add a paragraph 2, reading as follows:

If an observer delegation does not have another delegate available to serve as acting head, another person may be designated for that purpose. In such case [credentials] must be issued and transmitted in accordance with article D.

[Adopted; see para. 657 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

656. The Committee of the Whole initially considered article F *bis* at its 35th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

657. At its 35th meeting, the Committee of the Whole adopted the oral amendment by Spain by 15 votes to 9 with 30 abstentions. It then adopted the proposal as amended by 23 votes to 7, with 23 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

658. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article F *bis* adopted by the Drafting Committee. (For the text, see para. 660 below.)

659. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

660. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article F *bis*:

Article F bis. Acting head of the observer delegation

1. If the head of the observer delegation is absent or unable to perform his functions, an acting head of the observer delegation shall be designated from among the other observer delegates by the head of the observer delegation or, in case he is unable to do so, by a competent authority of the sending State.

The name of the acting head of the observer delegation shall be notified, as the case may be, to the Organization or to the conference.

2. If an observer delegation does not have another observer delegate available to serve as acting head of the observer delegation, another person may be designated for that purpose. In such case a letter of appointment must be issued and transmitted in accordance with article D.

ARTICLE G ⁵⁸

A. International Law Commission text

661. The International Law Commission text provided as follows:

Article G. Precedence

Precedence among observer delegations shall be determined by the alphabetical order of the names of the States used in the Organization.

B. Amendments

662. An amendment was submitted to article G by the United States of America (A/CONF.67/C.1/L.123).

663. This amendment sought to delete article G. [Withdrawn prior to the initial consideration of the article.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

664. The Committee of the Whole initially considered article G at its 35th meeting, on 28 February 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

665. At its 35th meeting, the Committee of the Whole adopted the International Law Commission text by 35 votes to 2, with 17 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

666. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article G adopted by the Drafting Committee. (For the text, see para. 668 below.)

667. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

668. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article G:

⁵⁸ Article G is numbered 78 in the text adopted by the Committee of the Whole (see chap. III below).

Article G. Precedence

Precedence among observer delegations shall be determined by the alphabetical order of the names of the States used in the Organization.

ARTICLE H⁶⁶**A. International Law Commission text**

669. The International Law Commission text provided as follows:

Article H. General facilities

The host State shall accord to the observer delegation the facilities required for the performance of its task. The Organization or, as the case may be, the conference shall assist the observer delegation in obtaining those facilities and shall accord to the observer delegation such facilities as lie within their own competence.

B. Amendments

670. An oral amendment was submitted to article H by Austria.

671. This amendment sought to insert the word "all" before the words "the facilities" in the first line of the article, and put the word "task" at the end of the first sentence in the plural.

[Adopted; see para. 673 below.]

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

672. The Committee of the Whole initially considered article H at its 36th meeting on 3 March 1975. At its 48th meeting on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

673. At its 36th meeting, the Committee of the Whole voted as follows on article H and the oral amendment thereto:

(a) It adopted the oral amendment by Austria by 45 votes to 3, with 10 abstentions;

(b) It adopted the article as a whole, as amended, by 42 votes to none, with 18 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

674. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article H adopted by the Drafting Committee. (For the text, see para. 676 below.)

675. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

676. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article H:

⁶⁶ Article H is numbered 79 in the text adopted by the Committee of the Whole (see chap. III below).

Article H. General facilities

1. The host State shall accord to the observer delegation all necessary facilities for the performance of its tasks.

2. The Organization or, as the case may be, the conference shall assist the observer delegation in obtaining those facilities and shall accord to the observer delegation such facilities as lie within its own competence.

PROPOSAL FOR A NEW ARTICLE H bis⁶⁷**A. Text of the proposal**

677. A proposal for the insertion of a new article H bis was submitted by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.107).

678. The text of the proposed article, as orally revised,⁶⁸ read as follows:

Article H bis. Premises and accommodation

If so requested, the host State and where necessary the organization or the conference shall assist the sending State in obtaining on reasonable terms the premises necessary for the observer delegation and suitable accommodation for the members of the delegation.

B. Amendments

679. No amendment was submitted to the 10-Power proposal.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

680. The Committee of the Whole initially considered the proposal at its 36th meeting on 3 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

681. At its 36th meeting, the Committee of the Whole adopted the 10-Power proposal (A/CONF.67/C.1/L.107 as orally revised) by 36 votes to none, with 20 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

682. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article H bis adopted by the Drafting Committee. (For the text, see para. 684 below.)

⁶⁷ Article H bis is numbered 80 in the text adopted by the Committee of the Whole (see chap. III below).

⁶⁸ In the original version, the text proposed read as follows:

"Premises and accommodation"

"If so requested, the host State shall assist the observer delegation in obtaining the premises necessary for it and suitable accommodation for its members. Where necessary, the Organization or the conference, as the case may be, shall assist the observer delegation in this respect."

683. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

684. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article H *bis*:

Article H bis Premises and accommodation

If so requested, the host State and, where necessary, the Organization or the conference shall assist the sending State in obtaining on reasonable terms premises necessary for the observer delegation and suitable accommodation for its members.

ARTICLE I⁵⁹

A. International Law Commission text

685. The International Law Commission text provided as follows:

Article I. Assistance in respect of privileges and immunities

The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the sending State, its observer delegation and the members of the observer delegation in securing the enjoyment of the privileges and immunities provided for in the present articles.

B. Amendments

686. An amendment was submitted to article I by Austria (A/CONF.67/C.1/L.129).

687. This amendment sought to number the present provision "1" and add a second paragraph as follows:

2. The Organization, or as the case may be, the Organization and the conference shall, where necessary, assist the host State in securing the discharge of obligations of the sending State concerning privileges and immunities provided for under the present Convention.

[Adopted; see para. 689 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

688. The Committee of the Whole initially considered article I at its 36th meeting on 3 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

689. At its 36th meeting, the Committee of the Whole adopted the amendment by Austria (A/CONF.67/C.1/L.129). It then adopted the article as a whole, as amended, by 36 votes to none, with 22 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

690. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Com-

mittee (A/CONF.67/C.1/3) containing the text of article I adopted by the Drafting Committee. (For the text, see para. 692 below, subject to the change referred to in para. 691 below.)

691. The Committee of the Whole decided to insert the words "its observer delegation and the members of the observer delegation" after the words "sending State" in paragraph 2 of the text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

692. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article I:

Article I. Assistance in respect of privileges and immunities

1. The Organization or, as the case may be, the Organization and the conference shall where necessary assist the sending State, its observer delegation and the members of its observer delegation in securing the enjoyment of the privileges and immunities provided for under the present Convention.

2. The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the host State in securing the discharge of the obligations of the sending State, its observer delegation and the members of the observer delegation in respect of the privileges and immunities provided for under the present Convention.

ARTICLE J⁶⁰

A. International Law Commission text

693. The International Law Commission text provided as follows:

Article J. Inviolability of archives and documents

The archives and documents of the observer delegation shall be inviolable at any time and wherever they may be.

B. Amendments

694. No amendment was submitted to article J.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

695. The Committee of the Whole initially considered article J at its 36th meeting, on 3 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

696. At its 36th meeting, the Committee of the Whole adopted the International Law Commission text by 38 votes to none, with 21 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

697. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of arti-

⁵⁹ Article I is numbered 81 in the text adopted by the Committee of the Whole (see chap. III below).

⁶⁰ Article J is numbered 82 in the text adopted by the Committee of the Whole (see chap. III below).

cle J adopted by the Drafting Committee. (For the text, see para. 699 below.)

698. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

699. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article J:

Article J. Inviolability of archives and documents

The archives and documents of the observer delegation shall be inviolable at all times and wherever they may be.

ARTICLE K⁶¹

A. International Law Commission text

700. The International Law Commission text provided as follows:

Article K. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure to all members of the observer delegation such freedom of movement and travel as is necessary for the performance of the task of the observer delegation.

B. Amendments

701. No amendment was submitted to article K.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

702. The Committee of the Whole initially considered article K at its 36th meeting, on 3 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

703. At its 36th meeting, the Committee of the Whole adopted the International Law Commission text by 37 votes to none, with 21 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

704. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article K adopted by the Drafting Committee. (For the text, see para. 706 below.)

705. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

706. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article K:

⁶¹ Article K is numbered 83 in the text adopted by the Committee of the Whole (see chap. III below).

Article K. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure to all members of the observer delegation such freedom of movement and travel in its territory as is necessary for the performance of the tasks of the observer delegation.

ARTICLE L⁶²

A. International Law Commission text

707. The International Law Commission text provided as follows:

Article L. Freedom of communication

1. The host State shall permit and protect free communication on the part of the observer delegation for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, permanent missions and permanent observer missions wherever situated, the observer delegation may employ all appropriate means, including couriers and messages in code or cipher.

2. The official correspondence of the observer delegation shall be inviolable. Official correspondence means all correspondence relating to the observer delegation and its tasks.

3. Where practicable, the observer delegation shall use the means of communication, including the bag and the courier, of the permanent diplomatic mission, of the permanent mission or of the permanent observer mission of the sending State.

4. The bag of the observer delegation shall not be opened or detained.

5. The packages constituting the bag of the observer delegation must bear visible external marks of their character and may contain only documents or articles intended for the official use of the observer delegation.

6. The courier of the observer delegation, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

B. Amendments

708. Amendments were submitted to article L by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR, and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.112), by the United Kingdom (A/CONF.67/C.1/L.130) and, orally, by Switzerland.

709. These amendments were to the following effect:

(a) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian SSR, and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.112):

Add a new paragraph reading as follows:

7. The bag of the observer delegation may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the observer delegation. By arrangement with the competent authorities of the host State, the observer delegation may send

⁶² Article L is numbered 84 in the text adopted by the Committee of the Whole (see chap. III below).

one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

[Adopted; see para. 711 below.]

(b) *United Kingdom* (A/CONF.67/C.1/L.130 as orally revised):⁶⁸

1. After the words "permanent diplomatic mission," in paragraph 3, add the words "of a consular post,".

2. Replace paragraph 4 by the following (orally revised formulation):⁶⁸

4. (a) The bag of the observer delegation shall not be opened or detained. However, should the host State have serious reason to believe that a bag contains articles other than those intended for the official use of the observer delegation, it may request that the bag be opened for inspection in the presence of an authorized representative of the sending State.

(b) If the sending State refuses to comply with such a request the bag shall be returned to the place of origin.

[Adopted; see para. 711 below.]

(c) *Switzerland* (oral amendment):

Insert the following sentence at the end of paragraph 1:

However, the observer delegation may install and use a wireless transmitter only with the consent of the host State.

[Adopted; see para. 711 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

710. The Committee of the Whole initially considered article L at its 36th meeting, on 3 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on the article.

(ii) INITIAL CONSIDERATION

711. At its 36th meeting, the Committee of the Whole voted as follows on article L and the amendments thereto:

(a) It adopted the oral amendment by Switzerland by 58 votes to none, with 6 abstentions;

(b) It adopted the amendment by the United Kingdom to paragraph 3 (A/CONF.67/C.1/L.130) by 48 votes to 8, with 5 abstentions;

(c) It took a separate vote on the second sentence of paragraph 4 (a) and on paragraph 4 (b) of the amendment by the United Kingdom to paragraph 4 (A/CONF.67/C.1/L.130), as orally revised, which were adopted by a roll-call vote of 26 votes to 25, with 14 abstentions.

The voting was as follows:

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

Against: Argentina, Brazil, Bulgaria, Byelorussian

⁶⁸ In the original version, the word "serious" did not appear in the second sentence of paragraph 4 (a).

Soviet Socialist Republic, Colombia, Cuba, Czechoslovakia, Democratic People's Republic of Korea, El Salvador, German Democratic Republic, Guatemala, Hungary, Iraq, Libyan Arab Republic, Mexico, Mongolia, Pakistan, Peru, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstentions: Egypt, Finland, Holy See, India, Indonesia, Ivory Coast, Japan, Lebanon, Madagascar, Philippines, Qatar, Spain, United Republic of Cameroon, Zaire.

(d) It adopted the 10-Power amendment (A/CONF.67/C.1/L.112) by 42 votes to none, with 23 abstentions;

(e) It adopted the article as a whole, as amended, by 24 votes to 12, with 28 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

712. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article L adopted by the Drafting Committee. (For the text, see para. 714 below.)

713. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

714. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article L:

Article L. Freedom of communication

1. The host State shall permit and protect free communication on the part of the observer delegation for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, consular posts, permanent missions, permanent observer missions, special missions, delegations and other observer delegations, wherever situated, the observer delegation may employ all appropriate means, including couriers and messages in code or cipher. However, the observer delegation may install and use a wireless transmitter only with the consent of the host State.

2. The official correspondence of the observer delegation shall be inviolable. Official correspondence means all correspondence relating to the observer delegation and its tasks.

3. Where practicable, the observer delegation shall use the means of communication, including the bag and the courier, of the permanent diplomatic mission, of a consular post, of the permanent mission or of the permanent observer mission of the sending State.

4. The bag of the observer delegation shall not be opened or detained. However, should the host State have serious reason to believe that a bag contains articles other than those intended for the official use of the observer delegation, it may request that the bag be opened for inspection in the presence of an authorized representative of the sending State. If the sending State refuses to comply with such a request the bag shall be returned to the place of origin.

5. The packages constituting the bag of the observer delegation must bear visible external marks of their character and may contain only documents or articles intended for the official use of the observer delegation.

6. The courier of the observer delegation, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

7. The bag of the observer delegation may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the observer delegation. By arrangement with the appropriate authorities of the host State, the observer delegation may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

[NOTE CONCERNING ARTICLE M

Article M was examined jointly with article 59; see paras. 506–513 above.]

ARTICLE N ⁶⁴

A. International Law Commission text

715. The International Law Commission text provided as follows:

Article N. Inviolability of accommodation and property

1. The accommodation of an observer delegate shall be inviolable. The agents of the host State may not enter it except with the consent of the observer delegate. Such consent may be assumed in case of fire or other disaster that seriously endangers public safety, and only in the event that it has not been possible to obtain the express consent of the observer delegate.

2. The host State is under a special duty to take all appropriate steps to protect the accommodation of the observer delegate against any intrusion or damage.

3. The accommodation of the observer delegate, its furnishings and other property thereon and the means of transport of the observer delegate shall be immune from search, requisition, attachment or execution.

4. The papers, correspondence and, except as provided in paragraph 3 of article O, the property of the observer delegate shall likewise enjoy inviolability.

B. Amendments

716. Amendments were submitted to article N by Bulgaria, Cuba, Czechoslovakia, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.93),⁶⁵ by the United States of America (A/CONF.67/C.1/L.125), by Canada (A/CONF.67/C.1/L.135) and, orally, by Japan.

717. These amendments were to the following effect:

(a) *Bulgaria, Cuba, Czechoslovakia, Ukrainian Soviet Socialist Republic, and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.39):

1. Make paragraph 1 read as follows:

The private accommodations of the head of the observer delegation and the other delegates, and the members of the diplomatic staff of the delegation shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of the observer delegation or, if necessary, with the

consent of other delegates and members of the diplomatic staff of the delegation.

2. Replace the word “accommodation” in paragraph 2 by the word “accommodations” and replace the words “observer delegate” by the words “head of the observer delegation, other delegates and members of the diplomatic staff of the delegation”.

Add the following subparagraph:

In case of an attack on the accommodation of the head of the observer delegation, other delegates or members of the diplomatic staff of the delegation, the host State shall take appropriate steps to prosecute and punish the persons guilty of committing the attack.

3. Make paragraph 3 read as follows:

The accommodations of the head of the observer delegation, other delegates and members of the diplomatic staff of the delegation, their furnishings and other property thereon and the means of transport of the head of the observer delegation, other delegates and members of the diplomatic staff of the delegation shall be immune from search, requisition, attachment or execution.

4. Replace the words “observer delegate” in paragraph 4 by the words “head of the observer delegation, other delegates and members of the diplomatic staff of the delegation”.

[Point 1 was adopted in a subamended form; with respect to point 2, the first part was referred to the Drafting Committee and the second part was withdrawn; points 3 and 4 were adopted; see paras. 719 and 721 below.]

(b) *United States of America* (A/CONF.67/C.1/L.125):

Delete paragraphs 1 and 3.

[Withdrawn prior to the initial consideration of the article.]

(c) *Canada* (A/CONF.67/C.1/L.135):

Replace the third sentence in paragraph 1 by the following:

The consent of the observer delegate may, however, be assumed in case of fire or other disaster seriously endangering public safety and requiring prompt protective action.

[Adopted as a subamendment to the five-Power amendment (A/CONF.67/C.1/L.93); see paras 720 and 721 below.]

(d) *Japan* (oral amendment):

Replace paragraph 2 by the following:

When the circumstances are such that an observer delegation requires special protection, the host State shall take all appropriate steps to protect the accommodation of the observer delegation against any intrusion or damage.

[Adopted; see para. 721 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

718. The Committee of the Whole initially considered article N at its 36th and 37th meetings, on 3 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

⁶⁴ Article N is numbered 86 in the text adopted by the Committee of the Whole (see chap. III below).

⁶⁵ An amendment to article 60 was circulated by the same sponsors under the same symbol.

(ii) INITIAL CONSIDERATION

719. At the 36th meeting of the Committee of the Whole, the second part of the five-Power amendment to paragraph 2 (A/CONF.67/C.1/L.93) was withdrawn.

720. At the same meeting, the representative of Canada indicated that his amendment to paragraph 1 of the text of the International Law Commission (A/CONF.67/C.1/L.135) should be considered as a sub-amendment to point 1 of the five-Power amendment (A/CONF.67/C.1/L.93), seeking to add to that amendment the sentence contained in document A/CONF.67/C.1/L.135.

721. At its 37th meeting, the Committee of the Whole voted as follows on article N and the amendment thereto:

(a) It adopted the subamendment by Canada (A/CONF.67/C.1/L.135) to the five-Power amendment to paragraph 1 (A/CONF.67/C.1/L.93) by 32 votes to 22, with 11 abstentions;

(b) It adopted the five-Power amendment to paragraph 1 (A/CONF.67/C.1/L.93) by 40 votes to none, with 22 abstentions;

(c) It adopted paragraph 1 as a whole, as amended, by 32 votes to 14, with 18 abstentions;

(d) It adopted the oral amendment by Japan to paragraph 2 by 30 votes to 15, with 15 abstentions;

(e) It adopted the five-Power amendments to paragraphs 3 and 4 (A/CONF.67/C.1/L.93) by 37 votes to 1, with 26 abstentions;

(f) It adopted the article as a whole as amended by 23 votes to 12, with 31 abstentions, and decided without objection to refer it to the Drafting Committee, on the understanding that the Drafting Committee would consider the question whether throughout the article the word "accommodation" should be put in the plural.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

722. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article N adopted by the Drafting Committee. (For the text, see para. 724 below.)

723. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

724. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article N:

Article N. Inviolability of private accommodation and property

1. The private accommodation of the head of the observer delegation and of other observer delegates and members of the diplomatic staff of the observer delegation shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of the observer delegation or, if neces-

sary, with the consent of another observer delegate or a member of the diplomatic staff of the observer delegation. Such consent may, however, be assumed in the event of fire or other disaster seriously endangering public safety and requiring prompt protective action.

2. Where the circumstances are such that an observer delegation requires special protection, the host State shall take all appropriate steps to protect the accommodation of that observer delegation against any intrusion or damage.

3. The private accommodation of the head of the observer delegation and of other observer delegates and members of the diplomatic staff of the observer delegation, its furnishings and other property therein and the means of transport of the observer delegation shall be immune from search, requisition, attachment or execution.

4. The papers, correspondence and, except as provided in paragraph 2 of article O, the property of the head of the observer delegation and of other observer delegates or members of the diplomatic staff of the observer delegation shall also enjoy inviolability.

ARTICLE O⁶⁶

A. International Law Commission text

725. The International Law Commission text provided as follows:

Article O. Immunity from jurisdiction

1. The observer delegate shall enjoy immunity from the criminal jurisdiction of the host State.

2. The observer delegate shall enjoy immunity from the civil and administrative jurisdiction of the host State in respect of all acts performed in the exercise of his official functions.

3. No measures of execution may be taken in respect of the observer delegate except in cases which do not fall under paragraph 2 and provided that the measures concerned can be taken without infringing the inviolability of his person or accommodation.

4. The observer delegate is not obliged to give evidence as a witness.

5. The immunity from jurisdiction of the observer delegate does not exempt him from the jurisdiction of the sending State.

B. Amendments

726. Amendments were submitted to article O by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.97), by the United States of America (A/CONF.67/C.1/L.126) and, orally, by the United Kingdom and by Austria. An oral subamendment was submitted by Liberia to the oral amendment by the United Kingdom.

727. These amendments were to the following effect:

(a) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.126):

In paragraphs 1, 2, 4 and 5 of the article, replace the words "observer delegate" by the words "head of the observer delegation and other delegates and members of the diplomatic staff of the delegation". In paragraph 3, replace the words "observer delegate" by the words

⁶⁶ Article O is numbered 87 in the text adopted by the Committee of the Whole (see chap. III below).

"head of the observer delegation or other delegates or members of the diplomatic staff of the delegation". In paragraphs 2 and 3, replace the word "his" by the word "their". In paragraph 4, replace the word "is" by the word "are" and the words "a witness" by the word "witnesses". In paragraph 5, replace the word "him" by the word "them".

[Adopted; see para. 729 below.]

(b) *United States of America* (A/CONF.67/C.1/L.126):

1. Combine paragraphs 1 and 2 to read as follows:

The observer delegate shall enjoy immunity from the criminal, civil and administrative jurisdiction of the host State in respect of all acts performed in the exercise of his official functions.

2. Delete paragraphs 3 and 4.

3. Renumber paragraph 5 accordingly.

[Withdrawn prior to the initial consideration of the article.]

(c) *United Kingdom* (oral amendment):

Add a paragraph 6 as follows:

Nothing in this article shall exempt the head of an observer delegation or any other delegate or member of the diplomatic staff of the delegation from the jurisdiction of the host State in relation to an action for damages arising from an accident caused by a vehicle, vessel or aircraft owned or used by him where those damages are not recoverable from insurance.

[Adopted in a subamended form; see para. 729 below.]

(d) *Austria* (oral amendment):

Replace paragraph 3 by the following:

3. No measures of execution may be taken in respect of such persons unless they can be taken without infringing their rights under articles M and N.

[Adopted; see para. 729 below.]

(e) *Liberia* (oral subamendment to the oral amendment by the United Kingdom):

Insert the words "outside the performance of his tasks" after the words "owned or used by him".

[Adopted; see para. 729 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

728. The Committee of the Whole initially considered article O at its 37th and 38th meetings, on 3 and 4 March 1975. At its 48th meeting on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

729. At its 38th meeting, the Committee of the Whole voted as follows on article O and the amendments and the subamendment thereto:

(a) It adopted the seven-Power amendment (A/CONF.67/C.1/L.97) by 39 votes to 3, with 18 abstentions;

(b) It adopted the oral amendment by Austria by 29 votes to 13, with 14 abstentions;

(c) It adopted the oral subamendment by Liberia to the oral amendment by the United Kingdom by 26 votes to 18, with 15 abstentions;

(d) It adopted the oral amendment by the United Kingdom, as subamended, by 25 votes to 15, with 21 abstentions;

(e) It adopted the article as a whole, as amended, by 30 votes to 4, with 29 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

730. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article O adopted by the Drafting Committee. (For the text, see para. 732 below.)

731. The Committee of the Whole made a slight drafting change on the English and French versions of this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

732. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article O:

Article O. Immunity from jurisdiction

1. The head of the observer delegation and other observer delegates and members of the diplomatic staff of the observer delegation shall enjoy immunity from the criminal jurisdiction of the host State, and immunity from its civil and administrative jurisdiction in respect of all acts performed in the exercise of their official functions.

2. No measures of execution may be taken in respect of such persons unless they can be taken without infringing their rights under articles M and N.

3. Such persons are not obliged to give evidence as witnesses.

4. Nothing in this article shall exempt such persons from the civil and administrative jurisdiction of the host State in relation to an action for damages arising from an accident caused by a vehicle, vessel or aircraft, owned or used by the persons in question outside the performance of their functions, where those damages are not recoverable from insurance.

5. Any immunity of such persons from the jurisdiction of the host State does not exempt them from the jurisdiction of the sending State.

[NOTE CONCERNING ARTICLE P]

Article P was examined jointly with article 62; see paras. 531–538 above.]

ARTICLE Q⁶⁷

A. International Law Commission text

733. The International Law Commission text provided as follows:

Article O. Exemption from social security legislation

1. The observer delegate shall, with respect to services

⁶⁷ Article Q is numbered 89 in the text adopted by the Committee of the Whole (see chap. III below).

rendered for the sending State, be exempt from social security provisions which may be in force in the host State.

2. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

B. Amendments

734. An amendment was submitted to article Q by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.99).

735. This amendment sought to replace the words "observer delegate" in paragraph 1 of article Q by the words "head of the observer delegation and other delegates and members of the diplomatic staff of the delegation".

[Adopted; see para. 737 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

736. The Committee of the Whole initially considered article Q at its 37th meeting, on 3 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

737. At its 37th meeting, the Committee of the Whole adopted the seven-Power amendment (A/CONF.67/C.1/L.99) by 39 votes to 2, with 26 abstentions. It adopted the article as a whole, as amended, by 42 votes to none, with 22 abstentions.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

738. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/3) containing the text of article Q adopted by the Drafting Committee. (For the text, see para. 740 below.)

739. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

740. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article Q:

Article Q. Exemption from social security legislation

1. The head of the observer delegation and other observer delegates and members of the diplomatic staff of the observer delegation shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the host State.

2. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

[NOTE CONCERNING ARTICLES R TO X]

Articles R to X were examined jointly with articles 64 to 70, respectively; see paras. 546-602 above.]

PART V. GENERAL PROVISIONS⁶⁸

741. On the recommendation of the Drafting Committee (see document A/CONF.67/C.1/4), the Committee of the Whole decided, at its 48th meeting, to recommend to the Conference that the above title be maintained without change.

ARTICLE 72⁶⁹

A. International Law Commission text

742. The International Law Commission text provided as follows:

Article 72. Nationality of the members of the mission or the delegation

The head of mission and members of the diplomatic staff of the mission, the head of delegation, other delegates and members of the diplomatic staff of the delegation should in principle be of the nationality of the sending State. They may not be appointed from among persons having the nationality of the host State, except with the consent of State which may be withdrawn at any time.

B. Amendments

743. Amendments were submitted to article 72 by Spain (A/CONF.67/C.1/L.131) and by Guatemala, the Holy See and Switzerland (A/CONF.67/C.1/L.137).

744. These amendments were to the following effect:

(a) *Spain* (A/CONF.67/C.1/L.131):

Delete the second sentence.

[Withdrawn; see para. 746 below.]

(b) *Guatemala, Holy See and Switzerland* (A/CONF.67/C.1/L.137):

1. Number the existing text "1" and delete the second sentence.

2. Add two new paragraphs reading as follows:

2. The head of mission and members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the host State except with the consent of that State, which may be withdrawn at any time.

3. Where the head of delegation, any other delegate or any member of the diplomatic staff of the delegation is appointed from among persons having the nationality of the host State, the consent of that State shall be assumed if it has been notified of the appointment and has made no objection.

[Adopted; see para. 747 below.]

⁶⁸ In the draft articles submitted by the International Law Commission, the general provisions constituted part IV of the text. As indicated in paragraph 22 above, the Committee of the Whole decided at its 45th meeting to regard articles B to X as part IV of the Convention and to regard accordingly part IV of the text as part V of the Convention. For the sake of clarity, it has seemed preferable to take that decision into account in organizing chapter II of this report, rather than to follow the original structure of the International Law Commission draft. The original letters of the articles in part IV have, however, been maintained, the final numbering of these articles in the text adopted by the Committee of the Whole (see chap. III below) being indicated in a foot-note.

⁶⁹ Article 72 is numbered 97 in the text adopted by the Committee of the Whole (see chap. III below).

C. Proceedings of the Committee of the Whole

(i) MEETINGS

745. The Committee of the Whole initially considered article 72 at its 37th meeting, on 3 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

746. At the 37th meeting of the Committee of the Whole, the amendment by Spain (A/CONF.67/C.1/L.131) was withdrawn.

747. At the same meeting, the Committee of the Whole adopted the amendment by Guatemala, the Holy See and Switzerland (A/CONF.67/C.1/L.137) by 63 votes to none, with 6 abstentions, and decided without objection to refer the text thus adopted to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

748. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 72 adopted by the Drafting Committee. (For the text, see para. 750 below.)

749. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

750. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 72:

Article 72. Nationality of the members of the mission, the delegation or the observer delegation

1. The head of mission and members of the diplomatic staff of the mission, the head of delegation, other delegates and members of the diplomatic staff of the delegation, the head of the observer delegation, other observer delegates and members of the diplomatic staff of the observer delegation should in principle be of the nationality of the sending State.

2. The head of mission and members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the host State except with the consent of that State, which may be withdrawn at any time.

3. Where the head of delegation, any other delegate or any member of the diplomatic staff of the delegation or the head of the observer delegation, any other observer delegate or any member of the diplomatic staff of the observer delegation is appointed from among persons having the nationality of the host State, the consent of that State shall be assumed if it has been notified of such appointment of a national of the host State and has made no objection.

ARTICLE 73⁷⁰

A. International Law Commission text

751. The International Law Commission text provided as follows:

⁷⁰ Article 73 is numbered 98 in the text adopted by the Committee of the Whole (see chap. III below).

Article 73. Laws concerning acquisition of nationality

Members of the mission or the delegation not being nationals of the host State, and members of their families forming part of their household or, as the case may be, accompanying them, shall not, solely by the operation of the law of the host State, acquire the nationality of that State.

B. Amendments

752. An amendment was submitted to article 73 by Australia (A/CONF.67/C.1/L.128).

753. This amendment sought to delete the article and add to the Convention an Optional Protocol concerning Acquisition of Nationality, to read as follows:

The States Parties to the present Protocol and to the Vienna Convention on the Representation of States in their Relations with International Organizations, hereinafter referred to as "the Convention", adopted by the United Nations Conference held at Vienna from 4 February to 14 March 1975,

Expressing their wish to establish rules between them concerning acquisition of nationality by the members of their permanent missions, permanent observer missions, delegations and observer delegations and of the families forming part of the household of those members,

Have agreed as follows:

Article I

For the purpose of the present Protocol, the expressions "members of the mission or delegation" shall have the meanings assigned in Article 1, paragraph 1, subparagraphs (17) and (20) respectively, of the convention—namely "the head of the mission and the members of the staff" and "the delegates and the members of the staff."

Article II

Members of the mission or delegation not being nationals of the host State, and members of their families forming part of their household, shall not, solely by the operation of the law of the host State, acquire the nationality of that State.

Article III

The present Protocol shall be open for signature by all States which may become parties to the convention, as follows: until 31 October 1975 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1976, at the United Nations Headquarters in New York.

Article IV

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article V

The present Protocol shall remain open for accession by all States which may become parties to the convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article VI

1. The present Protocol shall enter into force on the same day as the convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations, whichever date is the later.

2. For each State ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article VII

The Secretary-General of the United Nations shall inform all States which may become parties to the convention:

(a) of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with articles III, IV and V;

(b) of the date on which the present Protocol will enter into force, in accordance with article VI.

Article VIII

The original of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article III.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE AT VIENNA, this fourteenth day of March one thousand nine hundred and seventy-five.

[Rejected; see para. 755 below.]

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

754. The Committee of the Whole initially considered article 73 at its 38th meeting, on 4 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

755. At its 38th meeting, the Committee of the Whole rejected the amendment by Australia by 35 votes to 19, with 13 abstentions. At the same meeting it adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

756. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 73 adopted by the Drafting Committee. (For the text, see para. 758 below.)

757. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

758. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 73:

Article 73. Laws concerning acquisition of nationality

Members of the mission, the delegation or the observer delegation not being nationals of the host State, and members of their families forming part of their household or, as the case may be, accompanying them, shall not, solely by the operation of the law of the host State, acquire the nationality of that State.

ARTICLE 74⁷¹**A. International Law Commission text**

759. The International Law Commission text provided as follows:

Article 74. Privileges and immunities in case of multiple functions

When members of the permanent diplomatic mission or of a consular post in the host State are included in a mission or delegation, they shall retain their privileges and immunities as members of their permanent diplomatic mission or consular post in addition to the privileges and immunities accorded by the present articles.

B. Amendments

760. No amendment was submitted to article 74.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

761. The Committee of the Whole initially considered article 74 at its 38th meeting, on 4 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

762. At its 38th meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

763. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 74 adopted by the Drafting Committee. (For the text, see para. 765 below.)

764. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

765. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 74:

Article 74. Privileges and immunities in case of multiple functions

When members of the permanent diplomatic mission or of a consular post in the host State are included in a mission, a delegation or an observer delegation, they shall retain their privileges and immunities as members of their permanent diplomatic mission or consular post in addition to the privileges and immunities accorded by the present Convention.

⁷¹ Article 74 is numbered 99 in the text adopted by the Committee of the Whole (see chap. III below).

PROPOSAL FOR A NEW ARTICLE 74 bis⁷²**A. Text of the proposal**

766. A proposal for the insertion of a new article 74 *bis* was submitted by Australia (A/CONF.67/C.1/L.139).

767. The text of the proposed article, as orally revised,⁷³ read as follows:

Co-operation between sending States and host States

In respect of such members of its missions and delegations as enjoy privileges and immunities under the present Convention, the sending State shall co-operate as fully as possible with the host State in the conduct of any investigation or prosecution carried out in accordance with the provisions of articles 28, 29, 59, 60, M and N.

[Adopted; see para. 770 below.]

B. Amendments

768. No amendment was submitted to the proposal by Australia.

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

769. The Committee of the Whole initially considered the proposal for the insertion of a new article 74 *bis* at its 38th meeting, on 4 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

770. At its 38th meeting, the Committee of the Whole adopted the proposed new article (A/CONF.67/C.1/L.139, as orally revised) by 24 votes to 23, with 18 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

771. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 74 *bis* adopted by the Drafting Committee. (For the text, see para. 773 below, subject to the change referred to in para. 772 below.)

772. The Committee of the Whole decided to delete in this text the reference to articles 60 and N.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

773. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 74 *bis*:

⁷² Article 74 *bis* is numbered 100 in the text adopted by the Committee of the Whole (see chap. III below).

⁷³ In the original version, the text read "... shall fully co-operate with the host State" and did not make reference to articles M and N.

Article 74 bis. Co-operation between sending States and host States

In respect of such members of its mission, delegations and observer delegations as enjoy privileges and immunities under the present Convention, the sending State shall co-operate as fully as possible with the host State in the conduct of any investigation or prosecution carried out pursuant to the provisions of articles 23, 28, 29, 59 and M.

ARTICLE 75⁷⁴**A. International Law Commission text**

774. The International Law Commission text provided as follows:

Article 75. Respect for the laws and regulations of the host State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the host State. They also have a duty not to interfere in the internal affairs of that State.

2. In case of grave and manifest violation of the criminal law of the host State by a person enjoying immunity from jurisdiction, the sending State shall, unless it waives the immunity of the person concerned, recall him, terminate his functions with the mission or the delegation or secure his departure, as appropriate. The sending State shall take the same action in case of grave and manifest interference in the internal affairs of the host State. The provisions of this paragraph shall not apply in the case of any act that the person concerned performed in carrying out the functions of the mission or the tasks of the delegation.

3. The premises of the mission and the premises of the delegation shall not be used in any manner incompatible with the exercise of the functions of the mission or the performance of the tasks of the delegation.

B. Amendments

775. Amendments were submitted to article 75 by Nigeria (A/CONF.67/C.1/L.78), France (A/CONF.67/C.1/L.119 and A/CONF.67/C.1/L.134 and Corr.1), Spain (A/CONF.67/C.1/L.132), the United Kingdom (A/CONF.67/C.1/L.141) and Italy (A/CONF.67/C.1/L.144). A subamendment was submitted by Japan (A/CONF.67/C.1/L.149) to the amendment by Nigeria.

776. The amendments and the subamendment were to the following effect:

(a) *Nigeria* (A/CONF.67/C.1/L.78, as revised through the incorporation of the subamendment by *Japan* (A/CONF.67/C.1/L.149)).⁷⁵

⁷⁴ Article 75 is numbered 101, in the text adopted by the Committee of the Whole (see chap. III below).

⁷⁵ In its original version, the amendment by *Nigeria* read as follows:

"1. Renumber the existing paragraph 2 as paragraph 2 (a).

"2. Replace the words appearing in lines 3 to 6 of existing paragraph 2 'unless it waives the immunity of the person concerned, recall him, terminate his functions with the mission or the delegation or secure his departure, as appropriate' by the words 'on the request of the host State recall him'.

"3. Add the following subparagraphs:

"(b) After necessary consultation with the sending State and the Organization, the host State may before or after the arrival of a member of any mission in the host State, notify

1. Maintain all the provisions of paragraph 2 of the International Law Commission text except for the replacement of the words "unless it waives" by the words "unless the sending State waives" and insert the words "on the request of the host State", before the words "recall him".

2. Reletter the present paragraph as paragraph 2 (a) and add the following subparagraphs:

(b) after necessary consultation with the sending State and the Organization, the host State may before or after the arrival of a member of any mission or delegation in the host State, notify the sending State and the Organization, that such member is not acceptable on the ground that he has previously abused his privileges in the host State;

(c) if within a reasonable period from the date of the request specified in subparagraph (a) or the notification specified in paragraph (b), the sending State fails to recall the person concerned, the host State may refuse to recognize him as a member of the mission or the delegation.

[The proposal in point 1 to insert the words "on the request of the host State" was rejected and the rest of point 1 was adopted; point 2 was rejected; see para. 778 below.]

(b) *France* (A/CONF.67/C.1/L.119):

Complete paragraph 3 by a sentence reading as follows:

The mission or the delegation shall not permit its premises to be used as a refuge by a person being sought for the execution of a decision of a criminal court or being prosecuted in a case of *flagrante delicto* or against whom a warrant has been issued or an expulsion order made by the authorities of the host State.

[Withdrawn; see para. 781 below.]

(c) *Spain* (A/CONF.67/C.1/L.132):

1. Delete the words "and manifest" from the first and second sentences of paragraph 2.

2. Delete the third sentence from the paragraph.

[Point 2 of the amendment to paragraph 2 was withdrawn and point 1 was not put to the vote; see paras. 779 and 781 below.]

(d) *France* (A/CONF.67/C.1/L.134 and Corr.1, as orally revised): ⁷⁶

1. In the first sentence of paragraph 2, the words "the sending State shall, unless it waives the immunity

the sending State and the Organization, that such member is not acceptable on the ground that he has previously abused his privileges in the host State.

"(c) If within a reasonable period from the date of notification, the sending State fails to recall the person concerned, the host State may refuse to recognize him as a member of the mission."

The subamendment by Japan to the amendment by Nigeria read as follows:

"1. Maintain all the provisions of paragraph 2 of the International Law Commission text as 2 (a) and insert the words 'on the request of the host State', before the words 'recall him'.

"2. Add the words 'or delegation' after 'mission' in subparagraphs (b) and (c) of the Nigerian amendment.

"3. Add the words 'request or' before the word 'notification' in subparagraph (c) of the Nigerian amendment."

⁷⁶ In the original version, the second sentence of the proposed new paragraph 4 did not appear.

of the person concerned," should be amended to read "the sending State, unless it waives the immunity of the person concerned, shall, at the request of the host State".

3. Add a paragraph reading as follows (orally revised formulation):

4. Nothing in this article shall be construed as prohibiting the host State from taking such measures as are necessary for its own protection. In that event the host State shall, without prejudice to articles 81 and 82, consult the sending State in an appropriate manner in order to ensure that such measures do not interfere with the normal functioning of the mission or delegation.

[Point 1 was withdrawn, point 2 was not put to the vote and point 3 was adopted; see paras. 779 and 781 below.]

(e) *United Kingdom* (A/CONF.67/C.1/L.141, as orally revised): ⁷⁷

Replace paragraph 2 by the following:

If a member of a mission or delegation has:

(a) committed a serious criminal offence; or

(b) seriously interfered in the internal affairs of the host State; or

(c) otherwise seriously abused his position as a person enjoying privileges and immunities,

the sending State shall, at the request of the host State, waive his immunity, recall him, terminate his appointment or ensure his departure, as appropriate. The provisions of this paragraph shall not apply in the case of any act that the person concerned performed in carrying out the functions of the mission or the tasks of the delegation.

[Rejected; see para. 781 below.]

(f) *Italy* (A/CONF.67/C.1/L.144):

Insert after paragraph 2 a new paragraph reading as follows:

If the sending State refuses to carry out, or fails to carry out within a reasonable time, its obligations under paragraph 2 of this article, the host State may refuse, pending the procedures prescribed in articles 81 and 82, to recognize the person concerned as a member of the delegation.

[Withdrawn; see para. 780 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

777. The Committee of the Whole started its initial consideration of article 75 at its 16th meeting, on 17 February 1975 (see the note preceding para. 92 above) and resumed it at its 39th, 40th and 41st meetings, on 4 and 5 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

778. At the 39th meeting of the Committee of the Whole, the amendment by France to paragraph 3 (A/CONF.67/C.1/L.119) was withdrawn.

⁷⁷ In the original version, subparagraph (b) read as follows: "Interfered in the internal affairs of the host State or of any other State in which he has been employed in a diplomatic or similar capacity; or" and the last sentence did not appear.

779. At the 40th meeting of the Committee of the Whole, point 1 of the other amendment by France (A/CONF.67/C.1/L.134 and Corr.1) was withdrawn. At the same meeting, point 2 of the amendment by Spain to paragraph 2 (A/CONF.67/C.1/L.132) was also withdrawn.

780. At the 41st meeting of the Committee of the Whole, the amendment by Italy (A/CONF.67/C.1/L.144) was withdrawn.

781. At the same meeting, the Committee of the Whole voted as follows on article 75 and the amendment thereto:

(a) A motion seeking to put to the vote separately the words "at the request of the host State" in the amendment by the United Kingdom to paragraph 2 (A/CONF.67/C.1/L.141 as orally revised) was adopted by 29 votes to 23, with 14 abstentions;

(b) The words "at the request of the host State" in the amendment by the United Kingdom to paragraph 2 (A/CONF.67/C.1/L.141 as orally revised) were rejected by 37 votes to 24, with 6 abstentions;

(c) The remainder of the amendment by the United Kingdom to paragraph 2 (A/CONF.67/C.1/L.141 as orally revised) was rejected by 30 votes to 29, with 9 abstentions;

(d) With respect to the amendment by Nigeria to paragraph 2 (A/CONF.67/C.1/L.78, as orally revised), the Committee of the Whole took separate votes on the various parts of that amendment:

(i) It first voted on the insertion of the words "at the request of the host State"; it rejected this part of the amendment to paragraph 2 by 36 votes to 23, with 9 abstentions;

(ii) It then adopted by 38 votes to 11, with 16 abstentions, the part of the amendment seeking to replace in the text of the International Law Commission the words "unless it waives" by the words "unless the sending State waives";

(iii) It rejected the amendment seeking to insert a paragraph 2 (b), by 41 votes to 26, with 4 abstentions;

(iv) It rejected the amendment seeking to insert a paragraph 2 (c), as revised in the light of the votes already taken,⁷⁸ by 40 votes to 24, with 8 abstentions;

(e) It adopted the amendment by France to paragraph 4 (A/CONF.67/C.1/L.134 and Corr.1 as orally revised), by 33 votes to 30, with 8 abstentions;

(f) It adopted the article as a whole, as amended, by 41 votes to 1, with 27 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

782. At its 48th meeting, the Committee of the

Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 75 adopted by the Drafting Committee. (For the text, see para. 784 below.)

783. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

784. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 75:

Article 75. Respect for the laws and regulations of the host State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the host State. They also have a duty not to interfere in the internal affairs of that State.

2. In case of grave and manifest violation of the criminal law of the host State by a person enjoying immunity from jurisdiction, the sending State shall, unless it waives the immunity of the person concerned, recall him, terminate his functions with the mission, the delegation or the observer delegation or secure his departure, as appropriate. The sending State shall take the same action in case of grave and manifest interference in the internal affairs of the host State. The provisions of this paragraph shall not apply in the case of any act that the person concerned performed in carrying out the functions of the mission or the tasks of the delegation or of the observer delegation.

3. The premises of the mission and the premises of the delegation shall not be used in any manner incompatible with the exercise of the functions of the mission or the performance of the tasks of the delegation.

4. Nothing in this article shall be construed as prohibiting the host State from taking such measures as are necessary for its own protection. In that event the host State shall, without prejudice to articles 81 and 82, consult the sending State in an appropriate manner in order to ensure that such measures do not interfere with the normal functioning of the mission, the delegation or the observer delegation.

PROPOSAL FOR A NEW ARTICLE 75 *bis*⁷⁹

A. Text of the proposal

785. A proposal for the insertion of a new article 75 *bis* was submitted by Belgium (A/CONF.67/C.1/L.62).

786. The text of the proposed article read as follows:

Article 75 bis. Insurance against third-party risks

The members of the mission or of the delegation shall comply with all obligations under the laws and regulations of the host State relating to third-party liability insurance for the use of any vehicle, boat or aircraft.

B. Amendments

787. No amendment was submitted to the proposal.

⁷⁸ The revised amendment read as follows: "Insert a paragraph 2 (b), reading as follows: 'If within a reasonable period, the sending State fails to recall the person concerned, the host State may refuse to recognize him as a member of the mission or the delegation.'"

⁷⁹ Article 75 *bis* is numbered 102 in the text adopted by the Committee of the Whole (see chap. III below).

C. Proceedings of the Committee of the Whole

(i) MEETINGS

788. The Committee of the Whole initially considered the proposal for the insertion of a new article 75 *bis* (A/CONF.67/C.1/L.62) at its 41st meeting, on 5 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

789. At its 41st meeting, the Committee of the Whole adopted the proposed new article (A/CONF.67/C.1/L.62) and decided to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

790. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 75 *bis* adopted by the Drafting Committee. (For the text, see para. 792 below.)

791. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

792. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 75 *bis*:

Article 75 bis. Insurance against third-party risks

The members of the mission, of the delegation or of the observer delegation shall 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.

ARTICLE 76⁸⁰

A. International Law Commission text

793. The International Law Commission text provided as follows:

Article 76. Entry into the territory of the host State

1. The host State shall permit entry into its territory of:

(a) members of the mission and members of their families forming part of their respective households; and

(b) members of the delegation and members of their families accompanying them.

2. Visas, when required, shall be granted as promptly as possible to any person referred to in paragraph 1.

B. Amendments

794. Amendments were submitted to article 76 by the United States of America (A/CONF.67/C.1/L.140), by Canada and the United Kingdom (A/CONF.67/C.1/L.142) and, orally, by Israel.

⁸⁰ Article 76 is numbered 103 in the text adopted by the Committee of the Whole (see chap. III below).

795. These amendments were to the following effect:

(a) *United States of America* (A/CONF.67/C.1/L.140):

Add at the beginning of paragraph 1 the words "Subject to the provisions of article 75,".

[Withdrawn; see para. 797 below.]

(b) *Canada and United Kingdom* (A/CONF.67/C.1/L.142):

1. At the beginning of paragraph 1, replace "permit" by "facilitate".

2. In paragraph 1(b), delete "and members of their families accompanying them".

[Withdrawn prior to the initial consideration of the article.]

(c) *Israel* (oral amendment):

Replace paragraph 2 by the following:

Visas when required shall be granted immediately to any person referred to in paragraph 1, upon confirmation to the host State by the Organization or the conference concerned that that person is one to whom paragraph 1 of this article applies.

[Rejected, see para. 798 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

796. The Committee of the Whole initially considered article 76 at its 42nd meeting, on 5 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

797. At the 42nd meeting of the Committee of the Whole, the amendment by the United States of America (A/CONF.67/C.1/L.140) was withdrawn.

798. At the same meeting, the Committee of the Whole rejected the oral amendment by Israel by 31 votes to 15, with 11 abstentions. It then adopted the text of the International Law Commission by 57 votes to none, with 2 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

799. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 76 adopted by the Drafting Committee. (For the text, see para. 801 below.)

800. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

801. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 76:

Article 76. Entry into the territory of the host State

1. The host State shall permit entry into its territory of:
 - (a) members of the mission and members of their families forming part of their respective households; and
 - (b) members of the delegation and members of their families accompanying them; and
 - (c) members of the observer delegation and members of their families accompanying them.
2. Visas, when required, shall be granted as promptly as possible to any person referred to in paragraph 1 of this article.

ARTICLE 77⁸¹**A. International Law Commission text**

802. The International Law Commission text provided as follows:

Article 77. Facilities for departure

The host State shall, if requested, grant facilities to enable persons enjoying privileges and immunities, other than nationals of the host State, and members of the families of such persons irrespective of their nationality, to leave its territory.

B. Amendments

803. An amendment was submitted to article 77 by Spain (A/CONF.67/C.1/L.133).

804. This amendment, as orally revised,⁸² was to the following effect:

Replace the beginning of the article by the words "The host State shall normally grant all facilities to enable persons . . .".

[Rejected; see para. 805 below.]

C. Proceedings of the Committee of the Whole**(i) MEETINGS**

805. The Committee of the Whole initially considered article 77 at its 42nd meeting, on 5 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

806. At its 42nd meeting, the Committee of the Whole rejected the amendment by Spain (A/CONF.67/C.1/L.133 as orally revised) by 28 votes to 17, with 16 abstentions. It then adopted the text of the International Law Commission by 61 votes to none, with 2 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

807. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 77 adopted by the Drafting Committee. (For the text, see para. 809 below.)

⁸¹ Article 77 is numbered 104 in the text adopted by the Committee of the Whole (see chap. III below).

⁸² In its original version, the amendment read as follows: "Delete the words 'if requested'."

808. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

809. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 77:

Article 77. Facilities for departure

The host State shall, if requested, grant facilities to enable persons enjoying privileges and immunities, other than nationals of the host State, and members of the families of such persons irrespective of their nationality, to leave its territory.

ARTICLE 78⁸³**A. International Law Commission text**

810. The International Law Commission text provided as follows:

Article 78. Transit through the territory of a third State

1. If a head of mission or a member of the diplomatic staff of the mission, a head of delegation, other delegate or member of the diplomatic staff of the delegation passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to resume his functions, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return.

2. The provisions of paragraph 1 shall also apply in the case of:

(a) members of the family of the head of mission or of a member of the diplomatic staff of the mission forming part of his household and enjoying privileges and immunities, whether travelling with him or travelling separately to join him or to return to their country;

(b) members of the family of the head of delegation, of any other delegate or member of the diplomatic staff of the delegation who are accompanying him and enjoy privileges and immunities, whether travelling with him or travelling separately to join him or to return to their country.

3. In circumstances similar to those specified in paragraphs 1 and 2, third States shall not hinder the passage of members of the administrative and technical or service staff, and of members of their families, through their territories.

4. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as the host State is bound to accord under the present articles. They shall accord to the couriers of the mission or of the delegation, who have been granted a passport visa if such visa was necessary, and to the bags of the mission or of the delegation in transit the same inviolability and protection as the host State is bound to accord under the present articles.

5. The obligations of third States under paragraphs 1, 2, 3 and 4 shall also apply to the persons mentioned respectively in those paragraphs, and to the official communications and bags of the mission or of the delegation when they are present in the territory of the third State owing to *force majeure*.

B. Amendments

811. No amendment was submitted to article 78.

⁸³ Article 78 is numbered 105 in the text adopted by the Committee of the Whole (see chap. III below).

C. Proceedings of the Committee of the Whole

(i) MEETINGS

812. The Committee of the Whole initially considered article 78 at its 42nd meeting, on 5 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

813. At its 42nd meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

814. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 78 adopted by the Drafting Committee. (For the text, see para. 816 below.)

815. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

816. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 78:

Article 78. Transit through the territory of a third State

1. If a head of mission or a member of the diplomatic staff of the mission, a head of delegation, other delegate or member of the diplomatic staff of the delegation, a head of an observer delegation, other observer delegate or member of the diplomatic staff of the observer delegation passes through or is in the territory of a third State which has granted him a passport visa if such visa was necessary, while proceeding to take up or to resume his functions, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit.

2. The provisions of paragraph 1 of this article shall also apply in the case of:

(a) members of the family of the head of mission or of a member of the diplomatic staff of the mission forming part of his household and enjoying privileges and immunities, whether travelling with him or travelling separately to join him or to return to their country;

(b) members of the family of the head of delegation, of any other delegate or member of the diplomatic staff of the delegation who are accompanying him and enjoy privileges and immunities, whether travelling with him or travelling separately to join him or to return to their country;

(c) members of the family of the head of the observer delegation, of any other observer delegate or member of the diplomatic staff of the observer delegation, who are accompanying him and enjoy privileges and immunities, whether travelling with him or travelling separately to join him or to return to their country.

3. In circumstances similar to those specified in paragraphs 1 and 2 of this article, third States shall not hinder the passage of members of the administrative and technical or service staff, and of members of their families, through their territories.

4. Third States shall accord to official correspondence and other official communications in transit, including messages in

code or cipher, the same freedom and protection as the host State is bound to accord under the present Convention. They shall accord to the couriers of the mission, of the delegation or of the observer delegation, who have been granted a passport visa if such visa was necessary, and to the bags of the mission, of the delegation or of the observer delegation in transit the same inviolability and protection as the host State is bound to accord under the present Convention.

5. The obligations of third States under paragraphs 1, 2, 3 and 4 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to the official communications and bags of the mission, of the delegation or of the observer delegation when they are present in the territory of the third State owing to *force majeure*.

ARTICLE 79⁸⁴

A. International Law Commission text

817. The International Law Commission text provided as follows:

Article 79. Non-recognition of States or Governments or absence of diplomatic or consular relations

1. The rights and obligations of the host State and of the sending State under the present articles shall be affected neither by the non-recognition by one of those States of the other State or of its Government nor by the non-existence or the severance of diplomatic or consular relations between them.

2. The establishment or maintenance of a mission, the sending or attendance of a delegation or any act in application of the present articles shall not by itself imply recognition by the sending State of the host State or its Government or by the host State of the sending State or its Government.

B. Amendments

818. No amendment was submitted to article 79.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

819. The Committee of the Whole initially considered article 79 at its 42nd meeting, on 5 March 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

820. At its 42nd meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

821. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 79 adopted by the Drafting Committee. (For the text, see para. 823 below.)

822. The Committee of the Whole did not make any change in this text.

⁸⁴ Article 79 is numbered 106 in the text adopted by the Committee of the Whole (see chap. III below).

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

823. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 79:

Article 79. Non-recognition of States or Governments or absence of diplomatic or consular relations

1. The rights and obligations of the host State and of the sending State under the present Convention shall be affected neither by the non-recognition by one of those States of the other State or of its Government nor by the non-existence or the severance of diplomatic or consular relations between them.

2. The establishment or maintenance of a mission, the sending or attendance of a delegation or of an observer delegation or any act in application of the present Convention shall not by itself imply recognition by the sending State of the host State or its Government or by the host State of the sending State or its Government.

ARTICLE 80⁸⁵

A. International Law Commission text

824. The International Law Commission text provided as follows:

Article 80. Non-discrimination

In the application of the provisions of the present articles no discrimination shall be made as between States.

B. Amendments

825. No amendment was submitted to article 80.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

826. The Committee of the Whole initially considered article 80 at its 42nd meeting, on 5 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on this article.

(ii) INITIAL CONSIDERATION

827. At its 42nd meeting, the Committee of the Whole adopted the text of the International Law Commission and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORT OF THE
DRAFTING COMMITTEE

828. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the text of article 80 adopted by the Drafting Committee. (For the text, see para 830 below.)

829. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE
OF THE WHOLE

830. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 80:

Article 80. Non-discrimination

In the application of the provisions of the present Convention no discrimination shall be made as between States.

ARTICLES 81 AND 82⁸⁶

A. International Law Commission texts

831. The International Law Commission texts provided as follows:

Article 81. Consultations between the sending State, the host State and the Organization

If any dispute between one or more sending States and the host State arises out of the application or interpretation of the present articles, consultations between (a) the host State, (b) the sending State or States concerned, and (c) the Organization or, as the case may be, the Organization and the conference, shall be held upon the request of any such State or of the Organization itself with a view to disposing of the dispute.

Article 82. Conciliation

1. If the dispute is not disposed of as a result of the consultations referred to in article 81 within three months from the date of their inception, it may be submitted by any State party to the dispute to such procedure applicable to the settlement of the dispute as may be established in the Organization. In the absence of any such procedure, any State party to the dispute may bring it before a conciliation commission to be constituted in accordance with the provisions of this article by giving written notice to the Organization and to the other States participating in the consultations.

2. A conciliation commission will be composed of three members, of whom one shall be appointed by the host State, and one by the sending State. Two or more sending States may agree to act together, in which case they shall jointly appoint the member of the conciliation commission. These two appointments shall be made within two months of the written notice referred to in paragraph 1. The third member, the chairman, shall be chosen by the other two members.

3. If either side has failed to appoint its member within the time limit referred to in paragraph 2, the chief administrative officer of the Organization shall appoint such member within a further period of one month. If no agreement is reached on the choice of the chairman within four months of the written notice referred to in paragraph 1, either side may request the chief administrative officer of the Organization to appoint the chairman. The appointment shall be made within a period of one month. The chief administrative officer of the Organization shall appoint as the chairman a qualified jurist who is neither an official of the Organization nor a national of any State party to the dispute.

4. Any vacancy shall be filled in the same manner as the original appointment was made.

5. The commission shall establish its own rules of procedure and shall reach its decisions and recommendations by a majority vote. If so authorized in accordance with the Charter of the United Nations the commission may request an advisory opinion from the International Court of Justice regarding the interpretation of application of these articles.

6. If the commission is unable to obtain an agreement among the parties on a settlement of the dispute within six

⁸⁵ Article 80 is numbered 107 in the text adopted by the Committee of the Whole (see chap. III below).

⁸⁶ Articles 81 and 82 are respectively numbered 108 and 109 in the text adopted by the Committee of the Whole (see chap. III below).

months of its initial meeting, it shall prepare as soon as possible a report of its proceedings and transmit it to the parties and to the Organization. The report shall include the commission's conclusions upon the facts and questions of law and the recommendations it has submitted to the parties in order to facilitate a settlement of the dispute. The six months time limit may be extended by decision of the commission.

7. Nothing in the preceding paragraphs shall preclude the establishment of another appropriate procedure for the settlement of disputes arising in connexion with the conference.

8. This article is without prejudice to provisions concerning the settlement of disputes contained in international agreements in force between States or between States and international organizations.

B. Amendments

832. An amendment was submitted to articles 81 and 82 by Switzerland (A/CONF.67/C.1/L.145).

833. This amendment, as orally revised,⁸⁷ was to the following effect:

Replace the present articles by the following:

Article 81. Consultations

If any dispute between two or more parties arises out of the application or interpretation of the present Convention, consultations between them shall be held upon the request of any of them. At the request of any of the parties to the dispute the Organization or the conference shall be invited to join in the consultations.

Article 82. Conciliation

1. If the dispute is not disposed of as a result of the consultations referred to in article 81 within one month from the date of their inception, any party to the dispute may bring it before a conciliation commission constituted in accordance with the provisions of this article by giving written notice to the Organization and to the other States participating in the consultations.

2. Each conciliation commission shall be composed of three members, of whom one shall be appointed by each of the parties to the dispute. Each party to the present Convention shall designate in advance a person to serve as member of such a commission. It shall notify the designation to the Organization, which shall maintain a register of persons so designated. If it does not make the designation in advance, it may do so during the conciliation procedure, up to the moment at which the commission begins to draft the report which it is to prepare in accordance with paragraph 7 hereof.

3. The third member of the commission, who shall be its Chairman, shall be chosen by the other two members. If the other two members are unable to agree within one month from the notification referred to in paragraph 1 of this article or if one of the parties has not availed itself of its right to designate a member of the commission, the Chairman shall be designated at the request of the most diligent party by the chief administrative officer of the Organization. The appointment shall be made within a period of one month. The chief administrative officer of the Organization shall appoint as the chairman a

⁸⁷ In the original version, the words "or the conference", did not appear in the penultimate line of article 81. With respect to article 82, the end of paragraph 3, from the words "the Chairman shall be designated at the request of the most diligent party" read as follows: "the Chairman shall be designated at the request of the most diligent party by the President of the International Court of Justice or, if the latter is a national of one of the parties to the dispute, by the Vice-President or, if the latter is a national of one of the parties to the dispute, by the senior judge who is not a national of one of the parties to the dispute." In addition, the word "conclusions" was used instead of the word "recommendations" in the last two sentences of paragraph 7, and paragraph 8 did not appear.

qualified jurist who is neither an official of the Organization nor a national of any State party to the dispute.

4. Any vacancy shall be filled in the same manner as the original appointment.

5. The commission shall function as soon as the Chairman has been appointed.

6. The commission shall establish its own rules of procedure and shall reach its decisions and recommendations by a majority vote. It may recommend to the Organization, if the Organization is so authorized in accordance with the Charter of the United Nations, to request an advisory opinion from the International Court of Justice regarding the interpretation or application of the present Convention.

7. If the commission is unable to obtain an agreement among the parties on a settlement of the dispute within two months from the appointment of its chairman, it shall prepare as soon as possible a report of its proceedings and transmit it to the parties. The report shall include the commission's conclusions upon the facts and questions of law and the recommendations it has submitted to the parties in order to facilitate a settlement of the dispute. The two months time limit may be extended by decision of the commission. The recommendations of the report of the commission shall not be binding on the parties unless all the parties to the dispute have accepted it. Nevertheless any party may declare unilaterally that it will abide by the recommendations of the report so far as it is concerned.

8. Nothing in the preceding paragraphs shall preclude the establishment of another appropriate procedure for the settlement of disputes arising out of the application or interpretation of the present Convention. This article is without prejudice to any agreement which may be concluded between the parties to the dispute to submit the dispute to a procedure instituted in the Organization or to any other procedure on which they may agree.

9. This article is without prejudice to provisions concerning the settlement of disputes contained in international agreements in force between States or between States and international organizations.

[Adopted; see para. 835 below.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

834. The Committee of the Whole initially considered articles 81 and 82 at its 42nd, 43rd and 44th meetings, on 5 and 6 March 1975. At its 48th meeting, on 10 March 1975, the Committee considered the report of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

835. At its 44th meeting, the Committee of the Whole adopted the amendment by Switzerland to article 81 (A/CONF.67/C.1/L.145, as orally revised) by 39 votes to 13, with 12 abstentions, and decided without objection to refer it to the Drafting Committee; it adopted the amendment by Switzerland to article 82 (A/CONF.67/C.1/L.145, as orally revised) by 63 votes to none, with 2 abstentions, and decided without objection to refer it to the Drafting Committee.

(iii) CONSIDERATION OF THE REPORTS OF THE DRAFTING COMMITTEE

836. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/4) containing the texts of articles 81 and 82 adopted by the Drafting Committee. (For the texts, see para. 838 below.)

837. The Committee of the Whole made some

slight drafting changes in the English version of the text adopted by the Drafting Committee for article 82.

(iv) TEXTS ADOPTED BY THE COMMITTEE
OF THE WHOLE

838. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following texts of articles 81 and 82:

Article 81. Consultations

If a dispute between two or more States Parties arises out of the application or interpretation of the present Convention, consultations between them shall be held upon the request of any of them. At the request of any of the parties to the dispute, the Organization or the conference shall be invited to join in the consultations.

Article 82. Conciliation

1. If the dispute is not disposed of as a result of the consultations referred to in article 81 within one month from the date of their inception, any State participating in the consultations may bring the dispute before a conciliation commission constituted in accordance with the provisions of this article by giving written notice to the Organization and to the other States participating in the consultations.

2. Each conciliation commission shall be composed of three members: two members, each of whom shall be appointed respectively by each of the parties to the dispute and a chairman appointed in accordance with paragraph 3 of this article. Each State Party to the present Convention shall designate in advance a person to serve as member of such a commission. It shall notify the designation to the Organization, which shall maintain a register of persons so designated. If it does not make the designation in advance, it may do so during the conciliation procedure, up to the moment at which the commission begins to draft the report which it is to prepare in accordance with paragraph 7 of this article.

3. The chairman of the commission shall be chosen by the other two members. If the other two members are unable to agree within one month from the notice referred to in paragraph 1 of this article or if one of the parties to the dispute has not availed itself of its right to designate a member of the commission, the chairman shall be designated at the request of one of the parties to the dispute by the chief administrative officer of the Organization. The appointment shall be made within a period of one month from such request. The chief administrative officer of the Organization shall appoint as the chairman a qualified jurist who is neither an official of the Organization nor a national of any State party to the dispute.

4. Any vacancy shall be filled in the manner prescribed for the initial appointment.

5. The commission shall function as soon as the chairman has been appointed even if its composition is incomplete.

6. The commission shall establish its own rules of procedure and shall reach its decisions and recommendations by a majority vote. It may recommend to the Organization, if the Organization is so authorized in accordance with the Charter of the United Nations, to request an advisory opinion from the International Court of Justice regarding the application or interpretation of the present Convention.

7. If the commission is unable to obtain an agreement among the parties to the dispute on a settlement of the dispute within two months from the appointment of its chairman, it shall prepare as soon as possible a report of its proceedings and transmit it to the parties to the dispute. The report shall include the commission's conclusions upon the facts and questions of law and the recommendations which it has submitted to the parties to the dispute in order to facilitate a settlement of the dispute. The two months time limit may be extended by decision of the commissioner. The recommendations in the report of the commission shall not be binding on the parties to the dispute unless all the parties to the dispute have accepted

them. Nevertheless, any party to the dispute may declare unilaterally that it will abide by the recommendations of the report so far as it is concerned.

8. Nothing in the preceding paragraphs of this article shall preclude the establishment of any other appropriate procedure for the settlement of disputes arising out of the application or interpretation of the present Convention or the conclusion of any agreement between the parties to the dispute to submit the dispute to a procedure instituted in the Organization or to any other procedure.

9. This article is without prejudice to provisions concerning the settlement of disputes contained in international agreements in force between States or between States and international organizations.

PROPOSAL FOR A NEW ARTICLE 82 *bis*

A. Text of the proposal

839. A proposal for the insertion of a new article 82 *bis* was submitted by the Netherlands and Sweden (A/CONF.67/C.1/L.147).

840. The text of the proposed article read as follows:

"If the recommendations contained in the report of the conciliation commission, provided for in paragraph 6 of article 82, are not accepted by the parties to the dispute within three months after the report has been delivered, and unless the parties agree within the same period of three months to resort to an arbitral tribunal, either party may bring the dispute before the International Court of Justice by an application."

B. Amendments

841. No amendment was submitted to the proposal.

C. Proceedings of the Committee of the Whole

(i) MEETINGS

842. The Committee of the Whole considered the proposal for the insertion of a new article 82 *bis* (A/CONF.67/C.1/L.147) at its 44th meeting, on 6 March 1975.

(ii) DECISION

843. At its 44th meeting, the Committee of the Whole rejected the proposal by 31 votes to 26, with 13 abstentions.

ARTICLE 1 AND ARTICLE A ⁸⁸

A. International Law Commission texts

844. The International Law Commission texts provided as follows:

Article 1. Use of terms

1. For the purposes of the present articles:

(1) "international organization" means an intergovernmental organization;

(2) "international organization of universal character" means an organization whose membership and responsibilities are on a world-wide scale;

(3) "Organization" means the international organization in question;

⁸⁸ See the decisions of the Committee of the Whole recorded in paragraphs 19 and 22 above.

- (4) "organ" means:
- (a) any principal or subsidiary organ of an international organization; or
 - (b) any commission, committee or sub-group of any such organ, in which States are members;
- (5) "conference" means a conference of States convened by or under the auspices of an international organization;
- (6) "permanent mission" means a mission of permanent character, representing the State, sent by a State member of an international organization to the Organization;
- (7) "permanent observer mission" means a mission of permanent character, representing the State, sent to an international organization by a State not member of the Organization;
- (8) "mission" means, as the case may be, the permanent mission or the permanent observer mission;
- (9) "delegation to an organ" means the delegation sent by a State to participate on its behalf in the proceedings of the organ;
- (10) "delegation to a conference" means the delegation sent by a State to participate on its behalf in the conference;
- (11) "delegation" means, as the case may be, the delegation to an organ or the delegation to a conference;
- (12) "host State" means the State in whose territory:
- (a) the Organization has its seat or an office; or
 - (b) a meeting of an organ or a conference is held;
- (13) "sending State" means the State which sends:
- (a) a mission to the Organization at its seat or to an office of the Organization; or
 - (b) a delegation to an organ or a delegation to a conference;
- (14) "permanent representative" means the person charged by the sending State with the duty of acting as the head of the permanent mission;
- (15) "permanent observer" means the person charged by the sending State with the duty of acting as the head of the permanent observer mission;
- (16) "head of mission" means, as the case may be, the permanent representative or the permanent observer;
- (17) "members of the mission" means the head of mission and the members of the staff;
- (18) "head of delegation" means the delegate charged by the sending State with the duty of acting in that capacity;
- (19) "delegate" means any person designated by a State to participate as its representative in the proceedings of an organ or in a conference;
- (20) "members of the delegation" means the delegates and the members of the staff;
- (21) "members of the staff" means the members of the diplomatic staff, the administrative and technical staff and the service staff of the mission or the delegation;
- (22) "members of the diplomatic staff" means the members of the staff of the mission or the delegation who enjoy diplomatic status for the purpose of the mission or the delegation;
- (23) "members of the administrative and technical staff" means the members of the staff employed in the administrative and technical service of the mission or the delegation;
- (24) "members of the service staff" means the members of the staff employed by the mission or the delegation as household workers or for similar tasks;
- (25) "private staff" means persons employed exclusively in the private service of the members of the mission or the delegation;
- (26) "premises of the mission" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purpose of the mission, including the residence of the head of mission;
- (27) "premises of the delegation" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purpose of the delegation, including the accommodation of the head of delegation.

2. The provisions of paragraph 1 regarding the use of terms in the present articles are without prejudice to the use of those

terms or to the meanings which may be given to them in other international instruments or the internal law of any State.

Article A. Use of terms

[For the purposes of the present articles:]

- (a) "observer delegation to an organ" means the delegation sent by a State to observe on its behalf the proceedings of the organ;
- (b) "observer delegation to a conference" means the delegation sent by a State to observe on its behalf the proceedings of the conference;
- (c) "observer delegation" means, as the case may be, the observer delegation to an organ or the observer delegation to a conference;
- (d) "sending State" means the State which sends:
 - (iii) an observer delegation to an organ or an observer delegation to a conference;
- (e) "observer delegate" means any person designated by a State to attend as an observer the proceedings of an organ or of a conference;
- (f) "members of the observer delegation" means the observer delegates and the members of the administrative and technical staff of the observer delegation;
- (g) "members of the administrative and technical staff" means the persons employed in the administrative and technical service of the observer delegation.

B. Amendments

845. Amendments were submitted to article 1 by Spain (A/CONF.67/C.1/L.1), France (A/CONF.67/C.1/L.10 and 148), the United Kingdom (A/CONF.67/C.1/L.11), the United States of America (A/CONF.67/C.1/L.12), Romania (A/CONF.67/C.1/L.55) and the Netherlands (A/CONF.67/C.1/L.138). Amendments were submitted to article A by Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian SSR and the Union of Soviet Socialist Republics (A/CONF.67/C.1/L.108), and by the United States of America (A/CONF.67/C.1/L.120).

846. These amendments, arranged under subheadings relating, on the one hand, to paragraph 1, its subparagraphs, proposed new subparagraphs, and paragraph 2 of article 1 and, on the other hand, to article A were to the following effect:

Article 1

Paragraph 1

Subparagraph (1)

(a) *Spain* (A/CONF.67/C.1/L.1):

Replace the present text by the following:

"international organization" means an association of States possessing its own constitution and organs, and having a legal international personality distinct from that of the member States.

[Withdrawn; see para. 849 below.]

(b) *Romania* (A/CONF.67/C.1/L.55):

Replace the present text by the following:

"international organization" means an intergovernmental organization opened to the participation of all States which accept the rights and obligations established in its constitutive documents, having a legal personality distinct from that of the member States.

[Withdrawn prior to initial consideration of the article.]

Subparagraph (2)

(a) *Spain* (A/CONF.67/C.1/L.1):

Delete the subparagraph.

[Not put to the vote; see para. 848 below.]

(b) *United States of America* (A/CONF.67/C.1/L.12):

Delete the subparagraph.

[Withdrawn prior to initial consideration of the article.]

(c) *United Kingdom* (A/CONF.67/C.1/L.15):

Replace the present text by the following:

"international organization of universal character" means the United Nations, its specialized agencies, the International Atomic Energy Agency and any similar organization whose membership and responsibilities are on a world-wide scale.

[Adopted; see paras. 848 and 850 below.]

(d) *Romania* (A/CONF.67/C.1/L.55):

Replace the present text by the following:

"international organization of universal character" means an organization opened to the participation of all States, which accept the rights and obligations established in its constitutive documents, having a legal personality distinct from that of the member States, and whose membership and responsibilities are on a world-wide scale.

[Withdrawn prior to initial consideration of the article.]

Subparagraph (5)

United States of America (A/CONF.67/C.1/L.12):

After "international organizations" add ", at its seat or office or within the territory of any State upon invitation of that State".

[Withdrawn prior to initial consideration of the article.]

Subparagraph (7)

United States of America (A/CONF.67/C.1/L.12):

Delete "representing the State".

[Withdrawn prior to initial consideration of the article.]

Subparagraph (9)

(a) *United States of America* (A/CONF.67/C.1/L.12):

Delete the subparagraph.

[Withdrawn prior to initial consideration of the article.]

(b) *Netherlands* (A/CONF.67/C.1/L.138):

Replace subparagraph (9) by the following:

"delegation to an organ" means the delegation sent by a State either to participate in or, as the case may be, to observe, on its behalf, the proceedings of the organ.

[Rejected; see para. 850 below.]

Subparagraph (10)

(a) *United States of America* (A/CONF.67/C.1/L.12):

Delete the subparagraph.

[Withdrawn prior to initial consideration of the article.]

(b) *Netherlands* (A/CONF.67/C.1/L.138):

Replace subparagraph (10) by the following:

"delegation to a conference" means the delegation sent by a State either to participate in or, as the case may be, to observe, on its behalf, the proceedings of the conference.

[Not put to the vote; see para. 850 below.]

Subparagraph (11)

United States of America (A/CONF.67/C.1/L.12):

Amend subparagraph (11) to incorporate subparagraphs (9) and (10) so as to read as follows:

"delegation" means, as the case may be, the delegation sent by a State to participate on its behalf in the proceedings of an organ or in a conference.

[Withdrawn prior to initial consideration of the article.]

Subparagraphs (12) to (15)

No amendment was submitted to these subparagraphs.

Subparagraph (16)

United Kingdom (A/CONF.67/C.1/L.11):

Replace the present text by the following:

"head of mission" means the permanent representative or the permanent observer, as the case may be, and includes any person appointed by the sending State to perform his functions during any period when his post is vacant or he is unable to perform his functions.

[Withdrawn prior to initial consideration of the article.]

Subparagraphs (17) to (20)

No amendment was submitted to these subparagraphs.

Subparagraph (21)

United States of America (A/CONF.67/C.1/L.12):

After "diplomatic staff" insert "or observer staff".

[Withdrawn prior to initial consideration of the article.]

Subparagraph (22)

(a) *Spain* (A/CONF.67/C.1/L.1):

Replace the present text by the following:

"members of the diplomatic staff" means the head of mission or delegation and the members of the mission or the delegation who enjoy diplomatic status.

[Referred to the Drafting Committee; see para. 850 below.]

(b) *France* (A/CONF.67/C.1/L.10):

Replace "members of the diplomatic staff" by "members of the staff possessing diplomatic rank".

[Referred to the Drafting Committee; see para. 850 below.]

Subparagraph (22) bis

United States of America (A/CONF.67/C.1/L.12):

Add a new subparagraph (22) *bis* as follows:

"members of the observer staff" means the members of the staff of the permanent observer mission, other than the permanent observer, who observe, on behalf of the sending State, the activities of the Organization.

[Withdrawn prior to initial consideration of the article.]

Subparagraph (23)

No amendment was submitted to this subparagraph.

Subparagraph (24)

Spain (A/CONF.67/C.1/L.1):

Replace the present text by the following:

"members of the service staff" means the members of the staff of the mission or the delegation employed by the mission or the delegation as household workers.

[Referred to the Drafting Committee; see para. 850 below.]

Subparagraphs (25) and (26)

No amendment was submitted to these subparagraphs.

Subparagraph (27)

France (A/CONF.67/C.1/L.10):

Replace the present wording by the following:

"premises of the delegation" means the buildings or parts of buildings, irrespective of ownership, used solely as the offices of the delegation.

[Adopted; see paras. 848 and 850 below.]

New subparagraph

France (A/CONF.67/C.1/L.148, as orally revised):⁸⁹

Proposed a new subparagraph, reading as follows:

"rules of the Organization" means, in particular, the constitutive documents, decisions and relevant resolutions, as well as the established practices of the Organization.

[Adopted; see para. 850 below.]

Paragraph 2

No amendment was submitted to paragraph 2.

Article A

(a) *Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian SSR and Union of Soviet Socialist Republics* (A/CONF.67/C.1/L.108):

In subparagraph (a), replace the words "to observe on its behalf the proceedings of the organ" by the words "to participate on its behalf as an observer in the proceedings of the organ".

In subparagraph (b), replace the words "to observe on its behalf the proceedings of the conference" by the words "to participate on its behalf as an observer in the proceedings of the conference".

⁸⁹ In the original version, the proposed new subparagraph read: "rules of the Organization" means, in particular, the constitutive documents, decisions and resolutions, and established practice of the Organization.

New subparagraph

After subparagraph (d) insert a new subparagraph reading as follows:

"head of the observer delegation" means the observer delegate charged by the sending State with the duty of acting in that capacity.

Amend subparagraph (f) to read as follows:

"members of the observer delegation" means the observer delegates, the members of the diplomatic staff of the observer delegation and the members of the administrative and technical staff of the observer delegation.

New subparagraph

After subparagraph (f) insert a new subparagraph reading as follows:

"members of the diplomatic staff" means the members of the staff of the observer delegation who enjoy diplomatic status for the purpose of the observer delegation.

[Adopted; see para. 851 below.]

(b) *United States of America* (A/CONF.67/C.1/L.120):

Delete subparagraphs (b) and (g).

[Withdrawn prior to initial consideration of the article.]

C. Proceedings of the Committee of the Whole

(i) MEETINGS

847. The Committee of the Whole initially considered article 1 at its 44th, 45th and 46th meetings, on 6 and 7 February 1975. It initially considered article A at its 46th meeting, on 7 February 1975. At its 48th meeting, on 10 March 1975, it considered the report of the Drafting Committee on these articles.

(ii) INITIAL CONSIDERATION

848. As a result of the decision which the Committee of the Whole took with respect to article 1 as recorded in paragraph 19 above, the Committee of the Whole adopted at its 5th meeting, on 7 February, in the course of its initial consideration of article 2, an amendment to paragraph 1(2) of article 1 submitted by the United Kingdom (A/CONF.67/C.1/L.15).⁹⁰ It likewise adopted at its 26th meeting, on 24 February, in the course of its consideration of article 54, an amendment submitted by France to paragraph 1(27) (A/CONF.67/C.1/L.10).⁹¹

849. At the 44th meeting of the Committee of the Whole, the amendment by Spain to paragraph 1(1) was withdrawn.

850. At its 44th, 45th and 46th meetings, the Committee of the Whole took the following decisions with respect to article 1:

Paragraph 1

Subparagraph (1)

At its 44th meeting, the Committee of the Whole adopted the text of the International Law Commission

⁹⁰ See para. 35 above.

⁹¹ See para. 470 above.

for the opening sentence of the article and subparagraph 1 and decided without objection to refer it to the Drafting Committee.

Subparagraph (2)

At its 44th meeting, the Committee of the Whole decided without objection to refer the text it had adopted at its 5th meeting (see para. 848 above) to the Drafting Committee.

Subparagraphs (3) to (8)

At its 44th meeting, the Committee of the Whole adopted the International Law Commission text for these subparagraphs and decided without objection to refer them to the Drafting Committee.

Subparagraph (9)

At its 45th meeting, the Committee of the Whole rejected the amendment by the Netherlands (A/CONF.67/C.1/L.138) by 36 votes to 20, with 11 abstentions. It then adopted the text of the International Law Commission for this subparagraph by 49 votes to none, with 17 abstentions, and decided without objection to refer it to the Drafting Committee.

Subparagraphs (10) to (21)

At its 45th meeting, the Committee of the Whole adopted the text of the International Law Commission for these subparagraphs and decided without objection to refer them to the Drafting Committee.

Subparagraph (22)

At its 46th meeting, the Committee of the Whole adopted the text of the International Law Commission for this subparagraph and decided without objection to refer it to the Drafting Committee together with amendments to the subparagraph by Spain (A/CONF.67/C.1/L.1) and France (A/CONF.67/C.1/L.10).

Subparagraph (23)

At its 46th meeting, the Committee of the Whole adopted the text of the International Law Commission for this subparagraph and decided without objection to refer it to the Drafting Committee.

Subparagraph (24)

At its 46th meeting, the Committee of the Whole adopted the text of the International Law Commission for this subparagraph and decided without objection to refer it to the Drafting Committee together with the amendment to the subparagraph by Spain (A/CONF.67/C.1/L.1).

Subparagraphs (25) and (26)

At its 46th meeting, the Committee of the Whole adopted the text of the International Law Commission for these subparagraphs and decided without objection to refer them to the Drafting Committee.

Subparagraph (27)

At its 46th meeting, the Committee of the Whole decided without objection to refer to the Drafting Committee the text it had adopted for that subparagraph at its 26th meeting (see para. 848 above).

New subparagraph

At its 46th meeting, the Committee of the Whole adopted the amendment by France (A/CONF.67/C.1/L.148, as orally revised) and decided without objection to refer it to the Drafting Committee.

Paragraph 2

At its 46th meeting, the Committee of the Whole adopted the text of the International Law Commission for this paragraph and decided without objection to refer it to the Drafting Committee.

851. At its 46th meeting, the Committee of the Whole voted as follows on article A and the amendment thereto:

(a) it adopted the ten-Power amendment (A/CONF.67/C.1/L.108) by 33 votes to none, with 23 abstentions;

(b) it adopted article A as a whole, as amended, by 37 votes to none, with 22 abstentions, and decided without objection to refer it to the Drafting Committee on the understanding that the Drafting Committee would incorporate the provisions of article A in paragraph 1 of article 1 and would rearrange in a logical sequence the order of the subparagraphs.

(iii) CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE

852. At its 48th meeting, the Committee of the Whole had before it the report of the Drafting Committee (A/CONF.67/C.1/1/Rev.1/Add.1) containing the text of article 1 incorporating the provisions of article A,⁹² adopted by the Drafting Committee. (For the text, see para. 854 below.)

853. The Committee of the Whole did not make any change in this text.

(iv) TEXT ADOPTED BY THE COMMITTEE OF THE WHOLE

854. On the basis of the foregoing, the Committee of the Whole recommends to the Conference for adoption the following text of article 1:

Article 1. Use of terms

1. For the purposes of the present Convention:

(1) "international organization" means an intergovernmental organization;

(2) "international organization of universal character" means the United Nations, its specialized agencies, the International Atomic Energy Agency and any similar organization whose membership and responsibilities are on a world-wide scale;

(3) "Organization" means the international organization in question;

(4) "organ" means:

(a) any principal or subsidiary organ of an international organization, or

(b) any commission, committee or sub-group of any such organ, in which States are members;

(5) "conference" means a conference of States convened by or under the auspices of an international organization;

(6) "mission" means, as the case may be, the permanent mission or the permanent observer mission;

⁹² See the decision recorded in paragraph 851 above.

(7) "permanent mission" means a mission of permanent character, representing the State, sent by a State member of an international organization to the Organization;

(8) "permanent observer mission" means a mission of permanent character, representing the State, sent to an international organization by a State not a member of the Organization;

(9) "delegation" means, as the case may be, the delegation to an organ or the delegation to a conference;

(10) "delegation to an organ" means the delegation sent by a State to participate on its behalf in the proceedings of the organ;

(11) "delegation to a conference" means the delegation sent by a State to participate on its behalf in the conference;

(12) "observer delegation" means, as the case may be, the observer delegation to an organ or the observer delegation to a conference;

(13) "observer delegation to an organ" means the delegation sent by a State to participate on its behalf as an observer in the proceedings of the organ;

(14) "observer delegation to a conference" means the delegation sent by a State to participate on its behalf as an observer in the proceedings of the conference;

(15) "host State" means the State in whose territory:

- (a) the Organization has its seat or an office, or
- (b) a meeting of an organ or a conference is held;

(16) "sending State" means the State which sends:

- (a) a mission to the Organization at its seat or to an office of the Organization, or
- (b) a delegation to an organ or a delegation to a conference, or
- (c) an observer delegation to an organ or an observer delegation to a conference;

(17) "head of mission" means, as the case may be, the permanent representative or the permanent observer;

(18) "permanent representative" means the person charged by the sending State with the duty of acting as the head of the permanent mission;

(19) "permanent observer" means the person charged by the sending State with the duty of acting as the head of the permanent observer mission;

(20) "members of the mission" means the head of mission and the members of the staff;

(21) "head of delegation" means the delegate charged by the sending State with the duty of acting in that capacity;

(22) "delegate" means any person designated by a State to participate as its representative in the proceedings of an organ or in a conference;

(23) "members of the delegation" means the delegates and the members of the staff;

(24) "head of the observer delegation" means the observer delegate charged by the sending State with the duty of acting in that capacity;

(25) "observer delegate" means any person designated by a State to attend as an observer the proceedings of an organ or of a conference;

(26) "members of the observer delegation" means the observer delegates and the members of the staff;

(27) "members of the staff" means the members of the diplomatic staff, the administrative and technical staff and the service staff of the mission, the delegation or the observer delegation;

(28) "members of the diplomatic staff" means the members of the staff of the mission, the delegation or the observer delegation who enjoy diplomatic status for the purpose of the mission, the delegation or the observer delegation;

(29) "members of the administrative and technical staff" means the members of the staff employed in the administrative and technical service of the mission, the delegation or the observer delegation;

(30) "members of the service staff" means the members of the staff employed by the mission, the delegation or the observer delegation as household workers or for similar tasks;

(31) "private staff" means persons employed exclusively in the private service of the members of the mission or the delegation;

(32) "premises of the mission" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purpose of the mission, including the residence of the head of mission;

(33) "premises of the delegation" means the buildings or parts of buildings, irrespective of ownership, used solely as the offices of the delegation;

(34) "rules of the Organization" means, in particular, the constituent instruments, relevant decisions and resolutions, and established practice of the Organization.

2. The provisions of paragraph 1 of this article regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in other international instruments or the internal law of any State.

Chapter III

TEXT OF THE ARTICLES ADOPTED BY THE COMMITTEE OF THE WHOLE ON THE REPRESENTATION OF STATES IN THEIR RELATIONS WITH INTERNATIONAL ORGANIZATIONS

PART I. INTRODUCTION

Article 1. Use of terms

1. For the purposes of the present Convention:

(1) "international organization" means an inter-governmental organization;

(2) "international organization of universal character" means the United Nations, its specialized agen-

cies, the International Atomic Energy Agency and any similar organization whose membership and responsibilities are on a world-wide scale;

(3) "Organization" means the international organization in question;

(4) "organ" means:

- (a) any principal or subsidiary organ of an international organization, or

- (b) any commission, committee or sub-group of any such organ, in which States are members;
- (5) "conference" means a conference of States convened by or under the auspices of an international organization;
- (6) "mission" means, as the case may be, the permanent mission or the permanent observer mission;
- (7) "permanent mission" means a mission of permanent character, representing the State, sent by a State member of an international organization to the Organization;
- (8) "permanent observer mission" means a mission of permanent character, representing the State, sent to an international organization by a State not a member of the Organization;
- (9) "delegation" means, as the case may be, the delegation to an organ or the delegation to a conference;
- (10) "delegation to an organ" means the delegation sent by a State to participate on its behalf in the proceedings of the organ;
- (11) "delegation to a conference" means the delegation sent by a State to participate on its behalf in the conference;
- (12) "observer delegation" means, as the case may be, the observer delegation to an organ or the observer delegation to a conference;
- (13) "observer delegation to an organ" means the delegation sent by a State to participate on its behalf as an observer in the proceedings of the organ;
- (14) "observer delegation to a conference" means the delegation sent by a State to participate on its behalf as an observer in the proceedings of the conference;
- (15) "host State" means the State in whose territory:
 - (a) the organization has its seat or an office, or
 - (b) a meeting of an organ or a conference is held;
- (16) "sending State" means the State which sends:
 - (a) a mission to the Organization at its seat or to an office of the Organization, or
 - (b) a delegation to an organ or a delegation to a conference, or
 - (c) an observer delegation to an organ or an observer delegation to a conference;
- (17) "head of mission" means, as the case may be, the permanent representative or the permanent observer;
- (18) "permanent representative" means the person charged by the sending State with the duty of acting as the head of the permanent mission;
- (19) "permanent observer" means the person charged by the sending State with the duty of acting as the head of the permanent observer mission;
- (20) "members of the mission" means the head of mission and the members of the staff;
- (21) "head of delegation" means the delegate charged by the sending State with the duty of acting in that capacity;
- (22) "delegate" means any person designated by a

State to participate as its representative in the proceedings of an organ or in a conference;

(23) "members of the delegation" means the delegate and the members of the staff;

(24) "head of the observer delegation" means the observer delegate charged by the sending State with the duty of acting in that capacity;

(25) "observer delegate" means any person designated by a State to attend as an observer the proceedings of an organ or of a conference;

(26) "members of the observer delegation" means the observer delegates and the members of the staff;

(27) "members of the staff" means the members of the diplomatic staff, the administrative and technical staff and the service staff of the mission, the delegation, or the observer delegation;

(28) "members of the diplomatic staff" means the members of the staff of the mission, the delegation or the observer delegation who enjoy diplomatic status for the purpose of the mission, the delegation or the observer delegation;

(29) "members of the administrative and technical staff" means the members of the staff employed in the administrative and technical service of the mission, the delegation or the observer delegation;

(30) "members of the service staff" means the members of the staff employed by the mission, the delegation or the observer delegation as household workers or for similar tasks;

(31) "private staff" means persons employed exclusively in the private service of the members of the mission or the delegation;

(32) "premises of the mission" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purpose of the mission, including the residence of the head of mission;

(33) "premises of the delegation" means the buildings or parts of buildings, irrespective of ownership, used solely as the offices of the delegation;

(34) "rules of the Organization" means, in particular, the constituent instruments, relevant decisions and resolutions, and established practice of the Organization.

2. The provisions of paragraph 1 of this article regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in other international instruments or the internal law of any State.

Article 2. Scope of the present Convention

1. The present Convention applies to the representation of States in their relations with any international organization of a universal character, and to their representation at conferences convened by or under the auspices of such an organization, when the Convention has been accepted by the Organization and by the host State in respect of that organization.

2. The fact that the present Convention does not apply to other international organizations is without prejudice to the application to the representation of

States in their relations with such other organizations of any of the rules set forth in the Convention which would be applicable under international law independently of the Convention.

3. The fact that the present Convention does not apply to other conferences is without prejudice to the application to the representation of States at such other conferences of any of the rules set forth in the Convention which would be applicable under international law independently of the Convention.

4. Nothing in the present Convention shall preclude the conclusion of agreements between States or between States and international organizations making the Convention applicable in whole or in part to international organizations or conferences other than those referred to in paragraph 1 of this article.

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

The provisions of the present Convention are without prejudice to any relevant rules of the Organization or to any relevant rules of procedure of the conference.

Article 4. Relationship between the present Convention and other international agreements

The provisions of the present Convention:

(a) are without prejudice to other international agreements in force between States or between States and international organizations of a universal character, and

(b) shall not preclude the conclusion of other international agreements regarding the representation of States in their relations with international organizations of a universal character or their representation at conferences convened by or under the auspices of such organizations.

PART II. MISSIONS TO INTERNATIONAL ORGANIZATIONS

Article 5. Establishment of missions

1. Member States may, if the rules of the Organization so permit, establish permanent missions for the performance of the functions mentioned in article 6.

2. Non-member States may, if the rules of the Organization so permit, establish permanent observer missions for the performance of the functions mentioned in article 7.

3. The Organization shall notify the host State of the institution of a mission prior to its establishment.

Article 6. Functions of the permanent mission

The functions of the permanent mission consist *inter alia* in:

(a) ensuring the representation of the sending State to the Organization;

(b) maintaining liaison between the sending State and the Organization;

(c) negotiating with and within the Organization;

(d) ascertaining activities in the Organization and reporting thereon to the Government of the sending State;

(e) ensuring the participation of the sending State in the activities of the Organization;

(f) protecting the interests of the sending State in relation to the Organization;

(g) promoting the realization of the purposes and principles of the Organization by co-operating with and within the Organization.

Article 7. Functions of the permanent observer mission

The functions of the permanent observer mission consist *inter alia* in:

(a) ensuring the representation of the sending State and safeguarding its interests in relation to the Organization and maintaining liaison with it;

(b) ascertaining activities in the Organization and reporting thereon to the Government of the sending State;

(c) promoting co-operation with the Organization and negotiating with it.

Article 8. Multiple accreditation or appointment

1. The sending State may accredit the same person as head of mission to two or more international organizations or appoint a head of mission as a member of the diplomatic staff of another of its missions.

2. The sending State may accredit a member of the diplomatic staff of the mission as head of mission to other international organizations or appoint a member of the staff of the mission as a member of the staff of another of its missions.

3. Two or more States may accredit the same person as head of mission to the same international organization.

Article 9. Appointment of the members of the mission

Subject to the provisions of articles 14 and 72, the sending State may freely appoint the members of the mission.

Article 10. Credentials of the head of mission

The credentials of the head of mission shall be issued by the Head of State, by the Head of Government, by the Minister for Foreign Affairs or, if the rules of the Organization so permit, by another competent authority of the sending State and shall be transmitted to the Organization.

Article 11. Accreditation to organs of the Organization

1. A member State may specify in the credentials issued to its permanent representative that he is authorized to act as a delegate to one or more organs of the Organization.

2. Unless a member State provides otherwise its

permanent representative may act as a delegate to organs of the Organization for which there are no special requirements as regards representation.

3. A non-member State may specify in the credentials issued to its permanent observer that he is authorized to act as an observer delegate to one or more organs of the Organization when this is permitted by the rules of the Organization or the organ concerned.

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

1. The head of mission, by virtue of his functions and without having to produce full powers, is considered as representing his State for the purpose of adopting the text of a treaty between that State and the Organization.

2. The head of mission is not considered by virtue of his functions as representing his State for the purpose of signing a treaty, or signing a treaty *ad referendum*, between that State and the Organization unless it appears from the practice of the Organization, or from other circumstances, that the intention of the parties was to dispense with full powers.

Article 13. Composition of the mission

In addition to the head of mission, the mission may include diplomatic staff, administrative and technical staff and service staff.

Article 14. Size of the mission

The size of the mission shall not exceed what is reasonable and normal, having regard to the functions of the Organization, the needs of the particular mission and the circumstances and conditions in the host State.

Article 15. Notifications

1. The sending State shall notify the Organization of:

(a) the appointment, position, title and order of precedence of the members of the mission, their arrival, their final departure or the termination of their functions with the mission, and any other changes affecting their status that may occur in the course of their service with the mission;

(b) the arrival and final departure of any person belonging to the family of a member of the mission and forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;

(c) the arrival and final departure of persons employed on the private staff of members of the mission and the termination of their employment as such;

(d) the beginning and the termination of the employment of persons resident in the host State as members of the staff of the mission or as persons employed on the private staff;

(e) the location of the premises of the mission and of the private residences enjoying inviolability under articles 23 and 29, as well as any other information

that may be necessary to identify such premises and residences.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization shall transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

Article 16. Acting head of mission

If the post of head of mission is vacant, or if the head of mission is unable to perform his functions, the sending State may appoint an acting head of mission whose name shall be notified to the Organization and by it to the host State.

Article 17. Precedence

1. Precedence among permanent representatives shall be determined by the alphabetical order of the names of the States used in the Organization.

2. Precedence among permanent observers shall be determined by the alphabetical order of the names of the States used in the Organization.

Article 18. Location of the mission

Missions should be established in the locality where the Organization has its seat. However, if the rules of the Organization so permit and with the prior consent of the host State, the sending State may establish a mission or an office of a mission in a locality other than that in which the Organization has its seat.

Article 19. Use of flag and emblem

1. The mission shall have the right to use the flag and emblem of the sending State on its premises. The head of mission shall have the same right as regards his residence and means of transport.

2. In the exercise of the right accorded by this article regard shall be had to the laws, regulations and usages of the host State.

Article 20. General facilities

1. The host State shall accord to the mission all necessary facilities for the performance of its functions.

2. The Organization shall assist the mission in obtaining those facilities and shall accord to the mission such facilities as lie within its own competence.

Article 21. Premises and accommodation

1. The host State and the Organization shall assist the sending State in obtaining on reasonable terms premises necessary for the mission in the territory of the host State. Where necessary, the host State shall facilitate in accordance with its laws the acquisition of such premises.

2. Where necessary, the host State and the Organi-

zation shall also assist the mission in obtaining on reasonable terms suitable accommodation for its members.

Article 22. Assistance by the Organization in respect of privileges and immunities

1. The Organization shall, where necessary, assist the sending State, its mission and the members of its mission in securing the enjoyment of the privileges and immunities provided for under the present Convention.

2. The Organization shall, where necessary, assist the host State in securing the discharge of the obligations of the sending State, its mission and the members of its mission in respect of the privileges and immunities provided for under the present Convention.

Article 23. Inviolability of premises

1. The premises of the mission shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of mission. The consent of the head of mission may, however, be assumed in the event of fire or other disaster seriously endangering public safety and requiring prompt protective action.

2. (a) The host State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

(b) In case of an attack on the premises of the mission, the host State shall take all appropriate steps to prosecute and punish persons who have committed the attack.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 24. Exemption of the premises from taxation

1. The premises of the mission of which the sending State or any person acting on its behalf is the owner or the lessee shall be exempt from all national, regional or municipal dues and taxes other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the host State by persons contracting with the sending State or with any person acting on its behalf.

Article 25. Inviolability of archives and documents

The archives and documents of the mission shall be inviolable at all times and wherever they may be.

Article 26. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure freedom of movement and travel in its territory to all members of the mission and members of their families forming part of their households.

Article 27. Freedom of communication

1. The host State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, consular posts, permanent missions, permanent observer missions, special missions, delegations and observer delegations, wherever situated, the mission may employ all appropriate means, including couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the host State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The bag of the mission shall not be opened or detained. However, should the host State have serious reason to believe that a bag contains articles other than those intended for the official use of the mission, it may request that such bag be opened for inspection in the presence of a representative of the mission. If the mission refuses to comply with such a request, the bag shall be returned to the place of origin.

4. The packages constituting the bag of the mission must bear visible external marks of their character and may contain only documents or articles intended for the official use of the mission.

5. The courier of the mission, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate couriers *ad hoc* of the mission. In such cases the provisions of paragraph 5 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when the courier *ad hoc* has delivered to the consignee the mission's bag in his charge.

7. The bag of the mission may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the mission. By arrangement with the appropriate authorities of the host State, the mission may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 28. Personal inviolability

The persons of the head of mission and of the members of the diplomatic staff of the mission shall be inviolable. They shall not be liable to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity and to prosecute and punish persons who have committed such attacks.

Article 29. Inviolability of residence and property

1. The private residence of the head of mission and of the members of the diplomatic staff of the mission shall enjoy the same inviolability and protection as the premises of the mission.

2. The papers, correspondence and, except as provided in paragraph 2 of article 30, the property of the head of mission or of members of the diplomatic staff of the mission shall also enjoy inviolability.

Article 30. Immunity from jurisdiction

1. The head of mission and the members of the diplomatic staff of the mission shall enjoy immunity from the criminal jurisdiction of the host State. They shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) a real action relating to private immovable property situated in the territory of the host State, unless the person in question holds it on behalf of the sending State for the purposes of the mission;

(b) an action relating to succession in which the person in question is involved as executor, administrator; heir or legatee as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the person in question in the host State outside his official functions;

(d) an action for damages arising from an accident caused by a vehicle, vessel or aircraft, used or owned by the person in question.

2. No measures of execution may be taken in respect of the head of mission or a member of the diplomatic staff of the mission except in cases coming under subparagraphs (a), (b), (c) and (d) of paragraph 1 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

3. The head of mission and the members of the diplomatic staff of the mission are not obliged to give evidence as witnesses.

4. The immunity of the head of mission or of a member of the diplomatic staff of the mission from the jurisdiction of the host State does not exempt him from the jurisdiction of the sending State.

Article 31. Waiver of immunity

1. The immunity from jurisdiction of the head of mission and members of the diplomatic staff of the mission and of persons enjoying immunity under article 36 may be waived by the sending State. In this connexion, the sending State shall take duly into account that privileges and immunities are accorded to the persons mentioned not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the Organization.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 of this article shall preclude him from invoking immunity from jurisdiction in

respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons mentioned in paragraph 1 of this article in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

Article 32. Exemption from social security legislation

1. Subject to the provisions of paragraph 3 of this article, the head of mission and the members of the diplomatic staff of the mission shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the host State.

2. The exemption provided for in paragraph 1 of this article shall also apply to persons who are in the sole private employ of the head of mission or of a member of the diplomatic staff of the mission, on condition:

(a) that such employed persons are not nationals of or permanently resident in the host State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. The head of mission and the members of the diplomatic staff of the mission who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the host State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the host State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 33. Exemption from dues and taxes

The head of mission and the members of the diplomatic staff of the mission shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the host State, unless the person concerned holds it on behalf of the sending State for the purposes of the mission;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article 38;

(d) dues and taxes on private income having its

source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 24.

Article 34. Exemption from personal services

The host State shall exempt the head of mission and the members of the diplomatic staff of the mission from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 35. Exemption from customs duties and inspection.

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the mission;

(b) articles for the personal use of the head of mission or a member of the diplomatic staff of the mission, including articles intended for his establishment.

2. The personal baggage of the head of mission or a member of the diplomatic staff of the mission shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted only in the presence of the person enjoying the exemption or of his authorized representative.

Article 36. Privileges and immunities of other persons

1. The members of the family of the head of mission forming part of his household and the members of the family of a member of the diplomatic staff of the mission forming part of his household shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 28, 29, 30, 32, 33, 34 and in paragraphs 1 (b) and 2 of article 35.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households who are not nationals of or permanently resident in the host State, shall enjoy the privileges and immunities specified in articles 28, 29, 30, 32, 33 and 34, except that the immunity from civil and administrative jurisdiction of the host State specified in paragraph 1 of article 30 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1 (b) of article 35 in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the host State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption specified in article 32.

4. Private staff of members of the mission shall, if they are not nationals of or permanently resident in the host State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 37. Nationals and permanent residents of the host State

1. Except in so far as additional privileges and immunities may be granted by the host State, the head of mission or any member of the diplomatic staff of the mission who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission who are nationals of or permanently resident in the host State shall enjoy only immunity from jurisdiction in respect of official acts performed in the exercise of their functions. In all other respects, those members, and persons on the private staff who are nationals of or permanently resident in the host State, shall enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members and persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the host State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the host State by the Organization or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the territory, or on the expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In the event of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the territory.

4. In the event of the death of a member of the

mission not a national of or permanently resident in the host State or of a member of his family forming part of his household, the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the territory the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the mission or of the family of a member of the mission.

Article 39. Professional or commercial activity

1. The head of mission and members of the diplomatic staff of the mission shall not practise for personal profit any professional or commercial activity in the host State.

2. Except in so far as such privileges and immunities may be granted by the host State, members of the administrative and technical staff and persons forming part of the household of a member of the mission shall not, when they practise a professional or commercial activity for personal profit, enjoy any privilege or immunity in respect of acts performed in the course of or in connexion with the practice of such activity.

Article 40. End of functions

The functions of the head of mission or of a member of the diplomatic staff of the mission shall come to an end, *inter alia*:

- (a) on notification of their termination by the sending State to the Organization;
- (b) if the mission is finally or temporarily recalled.

Article 41. Protection of premises, property and archives

1. When the mission is temporarily or finally recalled, the host State must respect and protect the premises, property and archives of the mission. The sending State must take all appropriate measures to terminate this special duty of the host State as soon as possible. It may entrust custody of the premises, property and archives of the mission to the Organization if it so agrees, or to a third State acceptable to the host State.

2. The host State, if requested by the sending State, shall grant the latter facilities for removing the property and archives of the mission from the territory of the host State.

PART III. DELEGATIONS TO ORGANS AND TO CONFERENCES

Article 42. Sending of delegations

1. A State may send a delegation to an organ or to a conference in accordance with the rules of the Organization.

2. Two or more States may send the same delegation to an organ or to a conference in accordance with the rules of the Organization.

Article 43. Appointment of the members of the delegation

Subject to the provisions of articles 46 and 72, the sending State may freely appoint the members of the delegation.

Article 44. Credentials of delegates

The credentials of the head of delegation and of other delegates shall be issued by the Head of State, by the Head of Government, by the Minister for Foreign Affairs or, if the rules of the Organization or the rules of procedure of the conference so permit, by another competent authority of the sending State. They shall be transmitted as the case may be, to the Organization or to the conference.

Article 45. Composition of the delegation

In addition to the head of delegation, the delegation may include other delegates, diplomatic staff, administrative and technical staff and service staff.

Article 46. Size of the delegation

The size of the delegation shall not exceed what is reasonable and normal, having regard, as the case may be, to the functions of the organ or the object of the conference, as well as the needs of the particular delegation and the circumstances and conditions in the host State.

Article 47. Notifications

1. The sending State shall notify the Organization or, as the case may be, the conference of:

- (a) the composition of the delegation, including the position, title and order of precedence of the members of the delegation, and any subsequent changes therein;
- (b) the arrival and final departure of members of the delegation and the termination of their functions with the delegation;
- (c) the arrival and final departure of any person accompanying a member of the delegation;
- (d) the beginning and the termination of the employment of persons resident in the host State as members of the staff of the delegation or as persons employed on the private staff;
- (e) the location of the premises of the delegation and of the private accommodation enjoying inviolability under articles 54 and 60, as well as any other information that may be necessary to identify such premises and accommodation.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization or, as the case may be, the conference shall transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

Article 48. Acting head of delegation

1. If the head of delegation is absent or unable to perform his functions, an acting head of delegation shall be designated from among the other delegates by the head of delegation or, in case he is unable to do so, by a competent authority of the sending State. The name of the acting head of delegation shall be notified, as the case may be, to the Organization or to the conference.

2. If a delegation does not have another delegate available to serve as acting head of delegation, another person may be designated for that purpose. In such case credentials must be issued and transmitted in accordance with article 44.

Article 49. Precedence

Precedence among delegations shall be determined by the alphabetical order of the names of the States used in the Organization.

Article 50. Status of the head of State and persons of high rank

1. The head of State or any member of a collegial body performing the functions of head of State under the constitution of the State concerned, when he leads the delegation, shall enjoy in the host State or in a third State, in addition to what is granted by the present Convention, the facilities, privileges and immunities accorded by international law to heads of State.

2. The head of Government, the minister for foreign affairs or other person of high rank, when he leads or is a member of the delegation, shall enjoy in the host State or in a third State, in addition to what is granted by the present Convention, the facilities, privileges and immunities accorded by international law to such persons.

Article 51. General facilities

1. The host State shall accord to the delegation all necessary facilities for the performance of its tasks.

2. The Organization or, as the case may be, the conference shall assist the delegation in obtaining those facilities and shall accord to the delegation such facilities as lie within its own competence.

Article 52. Premises and accommodation

If so requested, the host State and, where necessary, the Organization or the conference shall assist the sending State in obtaining on reasonable terms premises necessary for the delegation and suitable accommodation for its members.

Article 53. Assistance in respect of privileges and immunities

1. The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the sending State, its delegation and the members of its delegation in securing the enjoyment of the privileges and immunities provided for under the present Convention.

2. The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the host State in securing the discharge of the obligations of the sending State, its delegation and the members of its delegation in respect of the privileges and immunities provided for under the present Convention.

Article 54. Inviolability of premises

1. The premises of the delegation shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of delegation. The consent of the head of delegation may, however, be assumed in the event of fire or other disaster seriously endangering public safety and requiring prompt protective action.

2. Where the circumstances are such that a delegation requires special protection, the host State shall take all appropriate steps to protect the premises of that delegation against any intrusion or damage and to prevent any disturbance of the peace of the delegation or impairment of its dignity.

3. The premises of the delegation, their furnishings and other property thereon and the means of transport of the delegation shall be immune from search, requisition, attachment or execution.

Article 55. Exemption of the premises from taxation

1. The sending State or any member of the delegation acting on behalf of the delegation shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the delegation other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the host State by persons contracting with the sending State or with a member of the delegation.

Article 56. Inviolability of archives and documents

The archives and documents of the delegation shall be inviolable at all times and wherever they may be.

Article 57. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure to all members of the delegation such freedom of movement and travel in its territory as is necessary for the performance of the tasks of the delegation.

Article 58. Freedom of communication

1. The host State shall permit and protect free communication on the part of the delegation for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, consular posts, permanent missions, permanent observer missions, special missions, other delegations, and observer delegations, wherever situated, the delegation

may employ all appropriate means, including couriers and messages in code or cipher. However, the delegation may install and use a wireless transmitter only with the consent of the host State.

2. The official correspondence of the delegation shall be inviolable. Official correspondence means all correspondence relating to the delegation and its tasks.

3. Where practicable, the delegation shall use the means of communication, including the bag and the courier, of the permanent diplomatic mission, of a consular post, of the permanent mission or of the permanent observer mission of the sending State.

4. The bag of the delegation shall not be opened or detained.

5. The packages constituting the bag of the delegation must bear visible external marks of their character and may contain only documents or articles intended for the official use of the delegation.

6. The courier of the delegation, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

7. The sending State or the delegation may designate couriers *ad hoc* of the delegation. In such cases the provisions of paragraph 6 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when the courier *ad hoc* has delivered to the consignee the delegation's bag in his charge.

8. The bag of the delegation may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the delegation. By arrangement with the appropriate authorities of the host State, the delegation may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 59. Personal inviolability

The persons of the head of delegation and of other delegates and members of the diplomatic staff of the delegation shall be inviolable. They shall not be liable *inter alia* to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity and to prosecute and punish persons who have committed such attacks.

Article 60. Inviolability of private accommodation and property

1. The private accommodation of the head of delegation and of other delegates and members of the diplomatic staff of the delegation shall enjoy the same inviolability and protection as the premises of the delegation.

2. The papers, correspondence and, except as pro-

vided in paragraph 2 of article 61, the property of the head of delegation and of other delegates or members of the diplomatic staff of the delegation shall also enjoy inviolability.

Article 61. Immunity from jurisdiction

1. The head of delegation and other delegates and members of the diplomatic staff of the delegation shall enjoy immunity from the criminal jurisdiction of the host State, and immunity from its civil and administrative jurisdiction in respect of all acts performed in the exercise of their official functions.

2. No measures of execution may be taken in respect of such persons unless they can be taken without infringing their rights under articles 59 and 60.

3. Such persons are not obliged to give evidence as witnesses.

4. Nothing in this article shall exempt such persons from the civil and administrative jurisdiction of the host State in relation to an action for damages arising from an accident caused by a vehicle, vessel or aircraft, used or owned by the persons in question, where those damages are not recoverable from insurance.

5. Any immunity of such persons from the jurisdiction of the host State does not exempt them from the jurisdiction of the sending State.

Article 62. Waiver of immunity

1. The immunity from jurisdiction of the head of delegation and of other delegates and members of the diplomatic staff of the delegation and of persons enjoying immunity under article 67 may be waived by the sending State. In this connexion, the sending State shall take duly into account that privileges and immunities are accorded to the persons mentioned not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the organ or the conference.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 of this article shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons mentioned in paragraph 1 of this article in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

Article 63. Exemption from social security legislation

1. Subject to the provisions of paragraph 3 of this article, the head of delegation and other delegates and members of the diplomatic staff of the delegation shall

with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the host State.

2. The exemption provided for in paragraph 1 of this article shall also apply to persons who are in the sole private employ of the head of delegation or of any other delegate or member of the diplomatic staff of the delegation, on condition:

(a) that such employed persons are not nationals of or permanently resident in the host State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. The head of delegation and other delegates and members of the diplomatic staff of the delegation who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the host State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the host State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 64. Exemption from dues and taxes

The head of delegation and other delegates and members of the diplomatic staff of the delegation shall be exempt, to the extent practicable, from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the host State, unless the person concerned holds it on behalf of the sending State for the purposes of the delegation;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article 69;

(d) dues and taxes on private income having its source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 55.

Article 65. Exemption from personal services

The host State shall exempt the head of delegation and other delegates and members of the diplomatic staff of the delegation from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 66. Exemption from customs duties and inspection

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the delegation;

(b) articles for the personal use of the head of delegation or any other delegate or member of the diplomatic staff of the delegation, imported in his personal baggage at the time of his first entry into the territory of the host State to attend the meeting of the organ or conference.

2. The personal baggage of the head of delegation or any other delegate or member of the diplomatic staff of the delegation shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted only in the presence of the person enjoying the exemption or of his authorized representative.

Article 67. Privileges and immunities of other persons

1. The members of the family of the head of delegation who accompany him and the members of the family of any other delegate or member of the diplomatic staff of the delegation who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 59, 61 and 65 and in paragraphs 1 (b) and 2 of article 66 an exemption from aliens' registration obligations.

2. Members of the administrative and technical staff of the delegation shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 59, 60, 61, 63, 64 and 65, except that the immunity from civil and administrative jurisdiction of the host State specified in paragraph 1 of article 61 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1 (b) of article 66 in respect of articles imported in their personal baggage at the time of their first entry into the territory of the host State for the purpose of attending the meeting of the organ or conference. Members of the family of a member of the administrative and technical staff who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 59, 61 and 65 and in paragraph 1 (b) of article 66 to the extent accorded to such a member of the staff.

3. Members of the service staff of the delegation who are not nationals of or permanently resident in the host State shall enjoy the same immunity in respect of acts performed in the course of their duties as is accorded to members of the administrative and technical staff of the delegation, exemption from dues and

taxes on the emoluments they receive by reason of their employment and the exemption specified in article 63.

4. Private staff of members of the delegation shall, if they are not nationals of or permanently resident in the host State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the tasks of the delegation.

Article 68. Nationals and permanent residents of the host State

1. Except in so far as additional privileges and immunities may be granted by the host State the head of delegation or any other delegate or member of the diplomatic staff of the delegation who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the delegation and persons on the private staff who are nationals of or permanently resident in the host State shall enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members and persons in such a manner as not to interfere unduly with the performance of the tasks of the delegation.

Article 69. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them 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, from the moment when his appointment is notified to the host State by the Organization, by the conference or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the territory, or on the expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in the exercise of his functions as a member of the delegation, immunity shall continue to subsist.

3. In the event of the death of a member of the delegation, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the territory.

4. In the event of the death of a member of the delegation not a national of or permanently resident in the host State or of a member of his family accompanying him, the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the territory the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on

movable property which is in the host State solely because of the presence there of the deceased as a member of the delegation or of the family of a member of the delegation.

Article 70. End of functions

The functions of the head of delegation or of any other delegate or member of the diplomatic staff of the delegation shall come to an end, *inter alia*:

(a) on notification of their termination by the sending State to the Organization or the conference;

(b) upon the conclusion of the meeting of the organ or the conference.

Article 71. Protection of premises, property and archives

1. When the meeting of an organ or a conference comes to an end, the host State must respect and protect the premises of the delegation so long as they are used by it, as well as the property and archives of the delegation. The sending State must take all appropriate measures to terminate this special duty of the host State as soon as possible.

2. The host State, if requested by the sending State, shall grant the latter facilities for removing the property and the archives of the delegation from the territory of the host State.

PART IV. OBSERVER DELEGATIONS TO ORGANS AND TO CONFERENCES

Article 72. Sending of observer delegations

A State may send an observer delegation to an organ or to a conference in accordance with the rules of the Organization.

Article 73. Appointment of the members of the observer delegation

Subject to the provisions of articles 75 and 97, the sending State may freely appoint the members of the observer delegation.

Article 74. Letter of appointment of observer delegates

The letter of appointment of the head of the observer delegation and other observer delegates shall be issued by the Head of State, by the Head of Government, by the Minister for Foreign Affairs or, if the rules of the Organization or the rules of procedure of the conference so permit, by another competent authority of the sending State. It shall be transmitted, as the case may be, to the Organization or to the conference.

Article 75. Composition of the observer delegation

1. In addition to the head of the observer delegation, the observer delegation may include other observer delegates, diplomatic staff, administrative and technical staff and service staff.

2. The size of the observer delegation shall not

exceed what is reasonable and normal, having regard to the tasks of the observer delegation and to the circumstances and conditions in the host State.

Article 76. Notifications

1. The sending State shall notify the Organization or, as the case may be, the conference of:

(a) the composition of the observer delegation, including the position, title and order of precedence of the members of the observer delegation, and any subsequent changes therein;

(b) the arrival and final departure of members of the observer delegation and the termination of their functions with the observer delegation;

(c) the arrival and final departure of any person accompanying a member of the observer delegation;

(d) the beginning and the termination of the employment of persons resident in the host State as members of the staff of the observer delegation;

(e) the location of the private accommodation enjoying inviolability under article 86, as well as any other information that may be necessary to identify such accommodation.

2. Where possible, prior notification of arrival and final departure shall also be given.

3. The Organization or, as the case may be, the conference shall transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

4. The sending State may also transmit to the host State the notifications referred to in paragraphs 1 and 2 of this article.

Article 77. Acting head of the observer delegation

1. If the head of the observer delegation is absent or unable to perform his functions, an acting head of the observer delegation shall be designated from among the other observer delegates by the head of the observer delegation or, in case he is unable to do so, by a competent authority of the sending State. The name of the acting head of the observer delegation shall be notified, as the case may be, to the Organization or to the conference.

2. If an observer delegation does not have another observer delegate available to serve as acting head of the observer delegation, another person may be designated for that purpose. In such case a letter of appointment must be issued and transmitted in accordance with article 74.

Article 78. Precedence

Precedence among observer delegations shall be determined by the alphabetical order of the names of the States used in the Organization.

Article 79. General facilities

1. The host State shall accord to the observer delegation all necessary facilities for the performance of its tasks.

2. The Organization or, as the case may be, the conference shall assist the observer delegation in obtaining those facilities and shall accord to the observer delegation such facilities as lie within its own competence.

Article 80. Premises and accommodation

If so requested, the host State and, where necessary, the Organization or the conference shall assist the sending State in obtaining on reasonable terms premises necessary for the observer delegation and suitable accommodation for its members.

Article 81. Assistance in respect of privileges and immunities

1. The Organization or, as the case may be, the Organization and the conference shall where necessary assist the sending State, its observer delegation and the members of its observer delegation in securing the enjoyment of the privileges and immunities provided for under the present Convention.

2. The Organization or, as the case may be, the Organization and the conference shall, where necessary, assist the host State in securing the discharge of the obligations of the sending State, its observer delegation and the members of its observer delegation in respect of the privileges and immunities provided for under the present Convention.

Article 82. Inviolability of archives and documents

The archives and documents of the observer delegation shall be inviolable at all times and wherever they may be.

Article 83. Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the host State shall ensure to all members of the observer delegation such freedom of movement and travel in its territory as is necessary for the performance of the tasks of the observer delegation.

Article 84. Freedom of communication

1. The host State shall permit and protect free communication on the part of the observer delegation for all official purposes. In communicating with the Government of the sending State, its permanent diplomatic missions, consular posts, permanent missions, permanent observer missions, special missions, delegations and other observer delegations, wherever situated, the observer delegation may employ all appropriate means, including couriers and messages in code or cipher. However the observer delegation may install and use a wireless transmitter only with the consent of the host State.

2. The official correspondence of the observer delegation shall be inviolable. Official correspondence means all correspondence relating to the observer delegation and its tasks.

3. Where practicable, the observer delegation shall use the means of communication, including the bag and the courier, of the permanent diplomatic mission, of a consular post, of the permanent mission or of the permanent observer mission of the sending State.

4. The bag of the observer delegation shall not be opened or detained. However, should the host State have serious reason to believe that bag contains articles other than those intended for the official use of the observer delegation, it may request that the bag be opened for inspection in the presence of an authorized representative of the sending State. If the sending State refuses to comply with such a request the bag shall be returned to the place of origin.

5. The packages constituting the bag of the observer delegation must bear visible external marks of their character and may contain only documents or articles intended for the official use of the observer delegation.

6. The courier of the observer delegation, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the host State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

7. The bag of the observer delegation may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the observer delegation. By arrangement with the appropriate authorities of the host State, the observer delegation may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 85. Personal inviolability

The persons of the head of the observer delegation and of other observer delegates and members of the diplomatic staff of the observer delegation shall be inviolable. They shall not be liable *inter alia* to any form of arrest or detention. The host State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity and to prosecute and punish persons who have committed such attacks.

Article 86. Inviolability of private accommodation and property

1. The private accommodation of the head of the observer delegation and of other observer delegates and members of the diplomatic staff of the observer delegation shall be inviolable. The agents of the host State may not enter them, except with the consent of the head of the observer delegation or, if necessary, with the consent of another observer delegate or a member of the diplomatic staff of the observer delegation. Such consent may, however, be assumed in the event of fire

or other disaster seriously endangering public safety and requiring prompt protective action.

2. Where the circumstances are such that an observer delegation requires special protection, the host State shall take all appropriate steps to protect the accommodation of that observer delegation against any intrusion or damage.

3. The private accommodation of the head of the observer delegation and of other observer delegates and members of the diplomatic staff of the observer delegation, its furnishings and other property therein and the means of transport of the observer delegation shall be immune from search, requisition, attachment or execution.

4. The papers, correspondence and, except as provided in paragraph 2 of article 87, the property of the head of the observer delegation and of other observer delegates or members of the diplomatic staff of the observer delegation shall also enjoy inviolability.

Article 87. Immunity from jurisdiction

1. The head of the observer delegation and other observer delegates and members of the diplomatic staff of the observer delegation shall enjoy immunity from the criminal jurisdiction of the host State, and immunity from its civil and administrative jurisdiction in respect of all acts performed in the exercise of their official functions.

2. No measures of execution may be taken in respect of such persons unless they can be taken without infringing their rights under articles 85 and 86.

3. Such persons are not obliged to give evidence as witnesses.

4. Nothing in this article shall exempt such persons from the civil and administrative jurisdiction of the host State in relation to an action for damages arising from an accident caused by a vehicle, a vessel or aircraft, owned or used by the persons in question outside the performance of their functions, where those damages are not recoverable from insurance.

5. Any immunity of such persons from the jurisdiction of the host State does not exempt them from the jurisdiction of the sending State.

Article 88. Waiver of immunity

1. The immunity from jurisdiction of the head of the observer delegation and of other observer delegates and members of the diplomatic staff of the observer delegation and of persons enjoying immunity under article 98 may be waived by the sending State. In this connexion, the sending State shall take duly into account that privileges and immunities are accorded to the persons mentioned not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the organ or the conference.

2. Waiver must always be express.

3. The initiation of proceedings by any of the persons referred to in paragraph 1 of this article shall preclude him from invoking immunity from jurisdiction

in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

5. If the sending State does not waive the immunity of any of the persons referred to in paragraph 1 of this article in respect of a civil action, it shall use its best endeavours to bring about a just settlement of the case.

Article 89. Exemption from social security legislation

1. The head of the observer delegation and other observer delegates and members of the diplomatic staff of the observer delegation shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the host State.

2. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 90. Exemption from dues and taxes

The head of the observer delegation and other observer delegates and members of the diplomatic staff of the observer delegation shall be exempt, to the extent practicable, from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the host State, unless the person concerned holds it on behalf of the sending State for the purposes of the observer delegation;

(c) estate, succession or inheritance duties levied by the host State, subject to the provisions of paragraph 4 of article 95;

(d) dues and taxes on private income having its source in the host State and capital taxes on investments made in commercial undertakings in the host State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property.

Article 91. Exemption from personal services

The host State shall exempt the head of the observer delegation and other observer delegates and members of the diplomatic staff of the observer delegation from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 92. Exemption from customs duties and inspection

1. The host State shall, in accordance with such laws and regulations as it may adopt, permit entry of

and grant exemption from all customs duties, taxes and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the observer delegation;

(b) articles for the personal use of the head of the observer delegation or any observer delegate or member of the diplomatic staff of the observer delegation, imported in his personal baggage at the time of his first entry into the territory of the host State to attend the meeting of the organ or conference.

2. The personal baggage of the head of the observer delegation or any other observer delegate or member of the diplomatic staff of the observer delegation shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the host State. In such cases, inspection shall be conducted only in the presence of the person enjoying the exemption or of his authorized representative.

Article 93. Privileges and immunities of other persons

1. The members of the family of the head of the observer delegation who accompany him and the members of the family of any other observer delegate or member of the diplomatic staff of the observer delegation who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 85, 87 and 91 and in paragraphs 1 (b) and 2 of article 92 and exemption from aliens' registration obligations.

2. Members of the administrative and technical staff of the observer delegation shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 85, 86, 87, 89, 90 and 91, except that the immunity from civil and administrative jurisdiction of the host State specified in paragraph 1 of article 87 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in paragraph 1 (b) of article 92 in respect of articles imported in their personal baggage at the time of their first entry into the territory of the host State for the purpose of attending the meeting of the organ or conference. Members of the family of a member of the administrative and technical staff who accompany him shall, if they are not nationals of or permanently resident in the host State, enjoy the privileges and immunities specified in articles 85, 87 and 91 and in paragraph 1 (b) of article 92 to the extent accorded to such a member of the staff.

Article 94. Nationals and permanent residents of the host State

1. Except in so far as additional privileges and immunities may be granted by the host State, the head of the observer delegation or any other observer delegate or member of the diplomatic staff of the observer dele-

gation who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the observer delegation who are nationals of or permanently resident in the host State shall enjoy privileges and immunities only to the extent admitted by the host State. However, the host State must exercise its jurisdiction over those members in such a manner as not to interfere unduly with the performance of the tasks of the observer delegation.

Article 95. Duration of privileges and immunities

1. Every person entitled to privileges and immunities shall enjoy them 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, from the moment when his appointment is notified to the host State by the Organization, by the conference or by the sending State.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the territory, or on the expiry of a reasonable period in which to do so. However, with respect to acts performed by such a person in the exercise of his functions as a member of the observer delegation, immunity shall continue to subsist.

3. In the event of the death of a member of the observer delegation, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the territory.

4. In the event of the death of a member of the observer delegation not a national of or permanently resident in the host State or of a member of his family accompanying him, the host State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the territory the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property which is in the host State solely because of the presence there of the deceased as a member of the observer delegation or of the family of a member of the observer delegation.

Article 96. End of functions

The functions of the head of the observer delegation or of any other observer delegate or member of the diplomatic staff of the observer delegation shall come to an end *inter alia*:

- (a) on notification of their termination by the sending State to the Organization or the conference;
- (b) upon the conclusion of the meeting of the organ or the conference.

PART V. GENERAL PROVISIONS

Article 97. Nationality of the members of the mission, the delegation or the observer delegation

1. The head of mission and members of the diplo-

matic staff of the mission, the head of delegation, other delegates and members of the diplomatic staff of the delegation, the head of the observer delegation, other observer delegates and members of the diplomatic staff of the observer delegation should in principle be of the nationality of the sending State.

2. The head of mission and members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the host State except with the consent of that State, which may be withdrawn at any time.

3. Where the head of delegation, any other delegate or any member of the diplomatic staff of the delegation or the head of the observer delegation, any other observer delegate or any member of the diplomatic staff of the observer delegation is appointed from among persons having the nationality of the host State, the consent of that State shall be assumed if it has been notified of such appointment of a national of the host State and has made no objection.

Article 98. Laws concerning acquisition of nationality

Members of the mission, the delegation or the observer delegation not being nationals of the host State, and members of their families forming part of their household or, as the case may be, accompanying them, shall not, solely by the operation of the law of the host State, acquire the nationality of that State.

Article 99. Privileges and immunities in case of multiple functions

When members of the permanent diplomatic mission or of a consular post in the host State are included in a mission, a delegation or an observer delegation, they shall retain their privileges and immunities as members of their permanent diplomatic mission or consular post in addition to the privileges and immunities accorded by the present Convention.

Article 100. Co-operation between sending States and host States

In respect of such members of its missions, delegations and observer delegations as enjoy privileges and immunities under the present Convention, the sending State shall co-operate as fully as possible with the host State in the conduct of any investigation or prosecution carried out pursuant to the provisions of articles 23, 28, 29, 59 and 85.

Article 101. Respect for the laws and regulations of the host State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the host State. They also have a duty not to interfere in the internal affairs of that State.

2. In case of grave and manifest violation of the criminal law of the host State by a person enjoying immunity from jurisdiction, the sending State shall, unless

it waives the immunity of the person concerned, recall him, terminate his functions with the mission, the delegation or the observer delegation or secure his departure, as appropriate. The sending State shall take the same action in case of grave and manifest interference in the internal affairs of the host State. The provisions of this paragraph shall not apply in the case of any act that the person concerned performed in carrying out the functions of the mission or the tasks of the delegation or of the observer delegation.

3. The premises of the mission and the premises of the delegation shall not be used in any manner incompatible with the exercise of the functions of the mission or the performance of the tasks of the delegation.

4. Nothing in this article shall be construed as prohibiting the host State from taking such measures as are necessary for its own protection. In that event the host State shall, without prejudice to articles 108 and 109, consult the sending State in an appropriate manner in order to ensure that such measures do not interfere with the normal functioning of the mission, the delegation or the observer delegation.

Article 102. Insurance against third party risks

The members of the mission, of the delegation or of the observer delegation shall 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.

Article 103. Entry into the territory of the host State

1. The host State shall permit entry into its territory of:

(a) members of the mission and members of their families forming part of their respective households, and

(b) members of the delegation and members of their families accompanying them, and

(c) members of the observer delegation and members of their families accompanying them.

2. Visas, when required, shall be granted as promptly as possible to any person referred to in paragraph 1 of this article.

Article 104. Facilities for departure

The host State shall, if requested, grant facilities to enable persons enjoying privileges and immunities, other than nationals of the host State, and members of the families of such persons irrespective of their nationality, to leave its territory.

Article 105. Transit through the territory of a third State

1. If a head of mission or a member of the diplomatic staff of the mission, a head of delegation, other delegate or member of the diplomatic staff of the delegation, a head of an observer delegation, other observer delegate or member of the diplomatic staff of the ob-

server delegation passes through or is in the territory of a third State which has granted him a passport visa if such visa was necessary, while proceeding to take up or to resume his functions, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit.

2. The provisions of paragraph 1 of this article shall also apply in the case of:

(a) members of the family of the head of mission or of a member of the diplomatic staff of the mission forming part of his household and enjoying privileges and immunities, whether travelling with him or travelling separately to join him or to return to their country;

(b) members of the family of the head of delegation, of any other delegate or member of the diplomatic staff of the delegation who are accompanying him and enjoy privileges and immunities, whether travelling with him or travelling separately to join him or to return to their country;

(c) members of the family of the head of the observer delegation, of any other observer delegate or member of the diplomatic staff of the observer delegation, who are accompanying him and enjoy privileges and immunities, whether travelling with him or travelling separately to join him or to return to their country.

3. In circumstances similar to those specified in paragraphs 1 and 2 of this article, third States shall not hinder the passage of members of the administrative and technical or service staff, and of members of their families, through their territories.

4. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as the host State is bound to accord under the present Convention. They shall accord to the couriers of the mission, of the delegation or of the observer delegation, who have been granted a passport visa if such visa was necessary, and to the bags of the mission, of the delegation or of the observer delegation in transit the same inviolability and protection as the host State is bound to accord under the present Convention.

5. The obligations of third States under paragraphs 1, 2, 3 and 4 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to the official communications and bags of the mission, of the delegation or of the observer delegation when they are present in the territory of the third State owing to *force majeure*.

Article 106. Non-recognition of States or Governments or absence of diplomatic or consular relations

1. The rights and obligations of the host State and of the sending State under the present Convention shall be affected neither by the non-recognition by one of those States of the other State or of its Government nor by the non-existence or the severance of diplomatic or consular relations between them.

2. The establishment or maintenance of a mission, the sending or attendance of a delegation or of an ob-

server delegation or any act in application of the present Convention shall not by itself imply recognition by the sending State of the host State or its Government or by the host State of the sending State or its Government.

Article 107. Non-discrimination

In the application of the provisions of the present Convention no discrimination shall be made as between States.

Article 108. Consultations

If a dispute between two or more States Parties arises out of the application or interpretation of the present Convention, consultations between them shall be held upon the request of any of them. At the request of any of the parties to the dispute, the Organization or the conference shall be invited to join in the consultations.

Article 109. Conciliation

1. If the dispute is not disposed of as a result of the consultations referred to in article 108 within one month from the date of their inception, any State participating in the consultations may bring the dispute before a conciliation commission constituted in accordance with the provisions of this article by giving written notice to the Organization and to the other States participating in the consultations.

2. Each conciliation commission shall be composed of three members: two members, each of whom shall be appointed respectively by each of the parties to the dispute, and a Chairman appointed in accordance with paragraph 3 of this article. Each State Party to the present Convention shall designate in advance a person to serve as a member of such a commission. It shall notify the designation to the Organization, which shall maintain a register of persons so designated. If it does not make the designation in advance, it may do so during the conciliation procedure up to the moment at which the Commission begins to draft the report which it is to prepare in accordance with paragraph 7 of this article.

3. The chairman of the commission shall be chosen by the other two members. If the other two members are unable to agree within one month from the notice referred to in paragraph 1 of this article or if one of the parties to the dispute has not availed itself of its right to designate a member of the commission, the chairman shall be designated at the request of one of the

parties to the dispute by the chief administrative officer of the Organization. The appointment shall be made within a period of one month from such request. The chief administrative officer of the Organization shall appoint as the chairman a qualified jurist who is neither an official of the Organization nor a national of any State party to the dispute.

4. Any vacancy shall be filled in the manner prescribed for the initial appointment.

5. The commission shall function as soon as the chairman has been appointed even if its composition is incomplete.

6. The commission shall establish its own rules of procedure and shall reach its decisions and recommendations by a majority vote. It may recommend to the Organization, if the Organization is so authorized in accordance with the Charter of the United Nations, to request an advisory opinion from the International Court of Justice regarding the application or interpretation of the present Convention.

7. If the commission is unable to obtain an agreement among the parties to the dispute on a settlement of the dispute within two months from the appointment of its chairman, it shall prepare as soon as possible a report of its proceedings and transmit it to the parties to the dispute. The report shall include the commission's conclusions upon the facts and questions of law and the recommendations which it has submitted to the parties to the dispute in order to facilitate a settlement of the dispute. The two months time limit may be extended by decision of the commission. The recommendations in the report of the commission shall not be binding on the parties to the dispute unless all the parties to the dispute have accepted them. Nevertheless, any party to the dispute may declare unilaterally that it will abide by the recommendations in the report so far as it is concerned.

8. Nothing in the preceding paragraphs of this article shall preclude the establishment of any other appropriate procedure for the settlement of disputes arising out of the application or interpretation of the present Convention or the conclusion of any agreement between the parties to the dispute to submit the dispute to a procedure instituted in the Organization or to any other procedure.

9. This article is without prejudice to provisions concerning the settlement of disputes contained in international agreements in force between States or between States and international organizations.

Annex

CHECK LIST OF DOCUMENTS SUBMITTED TO THE COMMITTEE OF THE WHOLE BY STATES PARTICIPATING IN THE CONFERENCE

[In this list, the reference under the heading "Paragraph" is to the paragraph or paragraphs of this report in which the text of the document may be found.]

<i>Symbol</i>	<i>Sponsors</i>	<i>Article</i>	<i>Paragraph</i>
A/CONF.67/C.1/L.1	Spain	1	846
A/CONF.67/C.1/L.2	Spain	2	31 (a)
A/CONF.67/C.1/L.3	Spain	4	49 (a)
A/CONF.67/C.1/L.4	Spain	6	68 (a)
A/CONF.67/C.1/L.5	Spain	7	76 (a)
A/CONF.67/C.1/L.6	Spain	12	117 (a)
A/CONF.67/C.1/L.7	Ivory Coast, France and Switzerland	2	31 (b)
A/CONF.67/C.1/L.8	Netherlands	2	31 (e)
A/CONF.67/C.1/L.9	Romania	Title of the Convention	18
A/CONF.67/C.1/L.10	France	1	846
A/CONF.67/C.1/L.11	United Kingdom of Great Britain and Northern Ireland	1 and 16	151 and 846
A/CONF.67/C.1/L.12	United States of America	1	846
A/CONF.67/C.1/L.13	Pakistan	4	49 (b)
A/CONF.67/C.1/L.14	United Republic of Cameroon	5	59 (d)
A/CONF.67/C.1/L.15	United Kingdom of Great Britain and Northern Ireland	1 and 2	31 and 846
A/CONF.67/C.1/L.16	Belgium	5	59 (e)
A/CONF.67/C.1/L.17	Federal Republic of Germany	6	68 (b)
A/CONF.67/C.1/L.18	Canada and United Kingdom of Great Britain and Northern Ireland	9	94 (a)
A/CONF.67/C.1/L.19	Madagascar	2	31 (c)
A/CONF.67/C.1/L.20	Czechoslovakia	5	59 (a)
A/CONF.67/C.1/L.21	Federal Republic of Germany	5	59 (f)
A/CONF.67/C.1/L.22	United States of America	7	76 (b)
A/CONF.67/C.1/L.23	France	5	59 (b)
A/CONF.67/C.1/L.24	France and Switzerland	6	68 (c)
A/CONF.67/C.1/L.25	Switzerland	8	85 (a)
A/CONF.67/C.1/L.26	Switzerland	5	59 (c)
A/CONF.67/C.1/L.27	Union of Soviet Socialist Republics	Procedural proposal	Note relating to article 9
A/CONF.67/C.1/L.28	United States of America	9	94 (c)
A/CONF.67/C.1/L.29	United States of America	12	117 (b)
A/CONF.67/C.1/L.30	United States of America	13	125
A/CONF.67/C.1/L.31	Federal Republic of Germany	10, 44 and D	102, 387 and 628(a)
A/CONF.67/C.1/L.32	Federal Republic of Germany	15	142 (a)
A/CONF.67/C.1/L.33	Canada, United States of America	14	134
A/CONF.67/C.1/L.34	United Republic of Cameroon	16	151 (b)
A/CONF.67/C.1/L.35	France	9	94 (b)
A/CONF.67/C.1/L.36	United Republic of Cameroon	15	141 (b)
A/CONF.67/C.1/L.37	United Kingdom of Great Britain and Northern Ireland	15	141 (c)
A/CONF.67/C.1/L.38	France	15	141 (d)
A/CONF.67/C.1/L.39	Netherlands and Switzerland	20	183 (a)
A/CONF.67/C.1/L.40	Federal Republic of Germany	17	Foot-note 13
A/CONF.67/C.1/L.41	Federal Republic of Germany	18	167
A/CONF.67/C.1/L.42	Federal Republic of Germany	21	192 (a)
A/CONF.67/C.1/L.43	Czechoslovakia and Mongolia	19	175
A/CONF.67/C.1/L.44	Czechoslovakia and Mongolia	20	183 (b)
A/CONF.67/C.1/L.45	Pakistan	17	159 (a)
A/CONF.67/C.1/L.46	Cuba, Iraq, Mongolia, Poland, Romania and Union of Soviet Socialist Republics	23	210 (a)
A/CONF.67/C.1/L.47	Netherlands	21	192 (b)
A/CONF.67/C.1/L.48	Canada	26	235
A/CONF.67/C.1/L.49	Austria	22	201 (a)
A/CONF.67/C.1/L.50	France	23	210 (b)
A/CONF.67/C.1/L.51	France	24	219
A/CONF.67/C.1/L.52	Belgium, Japan and United States of America	22	201 (b)

Symbol	Sponsors	Article	Paragraph
A/CONF.67/C.1/L.53	United States of America	23	210 (c)
A/CONF.67/C.1/L.54	Kuwait	27	244
A/CONF.67/C.1/L.55	Romania	1	846
A/CONF.67/C.1/L.56	Spain	30	269 (a)
A/CONF.67/C.1/L.57	Spain	38	334 (a)
A/CONF.67/C.1/L.58	Ukrainian Soviet Socialist Republic	28	252 (a)
A/CONF.67/C.1/L.59	Czechoslovakia	31	277 (a)
A/CONF.67/C.1/L.60	Japan, Nigeria and United Kingdom of Great Britain and Northern Ireland	31	277 (b)
A/CONF.67/C.1/L.61	United Kingdom of Great Britain and Northern Ireland	30	269 (b)
A/CONF.67/C.1/L.62	Belgium	75 bis	786
A/CONF.67/C.1/L.63	Ukrainian Soviet Socialist Republic	29	261
A/CONF.67/C.1/L.64	Canada and Japan	36	317 (a)
A/CONF.67/C.1/L.65	France	33	293
A/CONF.67/C.1/L.66	France	35	308
A/CONF.67/C.1/L.67	France	39	343
A/CONF.67/C.1/L.68	Austria	38	334 (b)
A/CONF.67/C.1/L.69	Pakistan	30 and 61	269 (a) and 525 (a)
A/CONF.67/C.1/L.70	Federal Republic of Germany	41	358 (a)
A/CONF.67/C.1/L.71	Federal Republic of Germany	36	317 (b)
A/CONF.67/C.1/L.72	United States of America	47	409 (a)
A/CONF.67/C.1/L.73	United States of America	50	434 (a)
A/CONF.67/C.1/L.74	Mongolia and Union of Soviet Socialist Republics	50	434 (b)
A/CONF.67/C.1/L.75	El Salvador, Guatemala, Ivory Coast	42	372 (a)
A/CONF.67/C.1/L.76	Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics	Procedural proposal	16
A/CONF.67/C.1/L.77	Switzerland	New article	365
A/CONF.67/C.1/L.78	Nigeria	75	Foot-note 77
A/CONF.67/C.1/L.79	France	37	326
A/CONF.67/C.1/L.80 and Corr.1	Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia and Union of Soviet Socialist Republics	54	466 (a)
A/CONF.67/C.1/L.81	United States of America	54	466 (b)
A/CONF.67/C.1/L.82	Netherlands	51	442
A/CONF.67/C.1/L.83	Austria	53	458
A/CONF.67/C.1/L.84	Austria	58	498 (a)
A/CONF.67/C.1/L.85	France	58	498 (b)
A/CONF.67/C.1/L.86	France	61	525 (b)
A/CONF.67/C.1/L.87	Netherlands and United Kingdom of Great Britain and Northern Ireland	52	450
A/CONF.67/C.1/L.88	Japan, Thailand and United Kingdom of Great Britain and Northern Ireland	54	466 (a)
A/CONF.67/C.1/L.89 and Rev.1	United Kingdom	58	498 (c)
A/CONF.67/C.1/L.90	Canada	64	548 (a)
A/CONF.67/C.1/L.91	Japan	62	533 (a)
A/CONF.67/C.1/L.92	Ukrainian Soviet Socialist Republic	59 and M	508 (a)
A/CONF.67/C.1/L.93	Bulgaria, Cuba, Czechoslovakia, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics	60 and N	516 (a)
A/CONF.67/C.1/L.94	United Kingdom of Great Britain and Northern Ireland	59	508 (b)
A/CONF.67/C.1/L.95	Netherlands	61	525 (c)
A/CONF.67/C.1/L.96	Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, German Democratic Republic, Hungary and Union of Soviet Socialist Republics	Procedural proposal	17
A/CONF.67/C.1/L.97	— [same sponsors]	O	727 (a)
A/CONF.67/C.1/L.98	— [same sponsors]	P	533 (b)
A/CONF.67/C.1/L.99	— [same sponsors]	Q	735
A/CONF.67/C.1/L.100	— [same sponsors]	R	547 (b)
A/CONF.67/C.1/L.101	— [same sponsors]	S	556
A/CONF.67/C.1/L.102	Federal Republic of Germany	67	572 (a)
A/CONF.67/C.1/L.103	United States of America	60	516 (b)
A/CONF.67/C.1/L.104	United Kingdom of Great Britain and Northern Ireland	55	476 (a)
A/CONF.67/C.1/L.105	United States of America	67	572 (b)
A/CONF.67/C.1/L.106	Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics	Procedural proposal	17
A/CONF.67/C.1/L.107	— [same sponsors]	H bis	678

Annex (continued)

<i>Symbol</i>	<i>Sponsors</i>	<i>Article</i>	<i>Paragraph</i>
A/CONF.67/C.1/L.108	— [same sponsors]	A	846
A/CONF.67/C.1/L.109	— [same sponsors]	D	628 (b)
A/CONF.67/C.1/L.110	— [same sponsors]	E	636 (b)
A/CONF.67/C.1/L.111	— [same sponsors]	F bis	653
A/CONF.67/C.1/L.112	— [same sponsors]	L	709 (a)
A/CONF.67/C.1/L.113	— [same sponsors]	T	564 (b)
A/CONF.67/C.1/L.114	— [same sponsors]	U	572 (e)
A/CONF.67/C.1/L.115	— [same sponsors]	V	582
A/CONF.67/C.1/L.116	— [same sponsors]	X	597
A/CONF.67/C.1/L.117	France	66	564 (a)
A/CONF.67/C.1/L.118	United Kingdom	67	572 (c)
A/CONF.67/C.1/L.119	France	75	776 (b)
A/CONF.67/C.1/L.120	United States of America	A	846
A/CONF.67/C.1/L.121	United States of America	E	636 (a)
A/CONF.67/C.1/L.122	United States of America	F	645 (a)
A/CONF.67/C.1/L.123	United States of America	G	663
A/CONF.67/C.1/L.124	United States of America	M	508 (c)
A/CONF.67/C.1/L.125	United States of America	N	717 (b)
A/CONF.67/C.1/L.126	United States of America	O	727 (b)
A/CONF.67/C.1/L.127	United States of America	U	572 (f)
A/CONF.67/C.1/L.128	Australia	73	752
A/CONF.67/C.1/L.129	Austria	I	687
A/CONF.67/C.1/L.130	United Kingdom	L	709 (b)
A/CONF.67/C.1/L.131	Spain	72	744 (a)
A/CONF.67/C.1/L.132	Spain	75	776 (c)
A/CONF.67/C.1/L.133	Spain	77	804
A/CONF.67/C.1/L.134 and Corr.1	France	75	776 (d)
A/CONF.67/C.1/L.135	Canada	N	717 (c)
A/CONF.67/C.1/L.136	Japan	P	533 (a)
A/CONF.67/C.1/L.137	Guatemala, Holy See and Switzerland	72	744 (b)
A/CONF.67/C.1/L.138	Netherlands	1	846
A/CONF.67/C.1/L.139	Australia	74 bis	767
A/CONF.67/C.1/L.140	United States of America	76	795 (a)
A/CONF.67/C.1/L.141	United Kingdom of Great Britain and Northern Ireland	75	776 (e)
A/CONF.67/C.1/L.142	Canada and United Kingdom of Great Britain and Northern Ireland	76	795 (b)
A/CONF.67/C.1/L.143 and Add.1 and 2	Draft report of the Committee of the Whole		
A/CONF.67/C.1/L.144	Italy	75	776 (b)
A/CONF.67/C.1/L.145	Switzerland	81 and 82	833
A/CONF.67/C.1/L.146	Cuba, Czechoslovakia, Holy See and Iraq	Proposal on articles 1 and A	22
		82 bis	
A/CONF.67/C.1/L.147	Netherlands and Sweden		840
A/CONF.67/C.1/L.148	France	1	846
A/CONF.67/C.1/L.149	Japan	75	Foot-note 75