

Document:-  
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**Communication regarding matters of interest to the International Law Commission  
discussed at the United Nations Conference on Diplomatic Intercourse and Immunities,  
Vienna, 2 March - 14 April 1961**

Topic:  
**Cooperation with other bodies**

Extract from the Yearbook of the International Law Commission:-  
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the principle of absolute equality of aliens and nationals. It has established a minimum standard of treatment to be respected in favour of aliens, who must not in any way hope for more rights than nationals and have no reason to complain if the State, for some economic or social reasons grants to aliens in certain cases less rights than to nationals, so long as their basic rights as defined in that standard of treatment are ensured.

The Committee also has not accepted the theory of prior compensation nor that of full compensation to aliens in the case of the acquisition, expropriation or nationalization of their property. It has not provided any other conditions or limitations for that, save the payment of compensation, the amount of which is to be governed only by local laws, regulations and orders.

(Signed) Hafez SABEK

## DOCUMENT A/CN.4/L.94

### Communication regarding matters of interest to the International Law Commission discussed at the United Nations Conference on Diplomatic Intercourse and Immunities

[Original: English]

[26 April 1961]

#### I. TRIBUTE TO THE INTERNATIONAL LAW COMMISSION

1. At its twelfth plenary meeting, on 18 April 1961,<sup>1</sup> the Conference unanimously adopted a draft resolution submitted by the United Arab Republic<sup>2</sup> expressing a tribute to the International Law Commission. The resolution reads as follows:<sup>3</sup>

*The United Nations Conference on Diplomatic Intercourse and Immunities,*

*Having adopted* the Vienna Convention on Diplomatic Relations on the basis of draft articles prepared by the International Law Commission,

*Resolves* to express its deep gratitude to the International Law Commission for its outstanding contribution to the codification and development of the rules of international law on diplomatic intercourse and immunities.

#### II. SPECIAL MISSIONS

2. At its twenty-third meeting, on 21 March 1961,<sup>4</sup> the Committee of the Whole of the Conference appointed a sub-committee to study the question of special missions which had been referred to the Conference by the General Assembly in its resolution 1504 (XV) of 12 December 1960.

3. The Sub-Committee on Special Missions held three meetings, and thereafter submitted a report<sup>5</sup> to the Committee of the Whole recommending that the subject be referred back by the General Assembly to the International Law Commission for further study. At its thirty-ninth meeting, on 5 April 1961,<sup>6</sup> the Committee of the Whole adopted the sub-committee's report, and requested the drafting committee to pre-

pare a resolution for submission to the Conference containing the recommendations of the sub-committee.

4. At its fourth plenary meeting, on 12 April 1961,<sup>7</sup> the Conference unanimously adopted the resolution on special missions prepared by the drafting committee<sup>8</sup> in accordance with the foregoing instructions. The resolution reads as follows:<sup>9</sup>

*The United Nations Conference on Diplomatic Intercourse and Immunities,*

*Recalling* that the General Assembly of the United Nations, by its resolution 1504 (XV) of 12 December 1960, referred to the Conference the draft articles on special missions contained in chapter III of the report of the International Law Commission covering the work of its twelfth session,

*Recognizing* the importance of the subject of special missions,

*Taking note* of the comments of the International Law Commission that the draft articles on special missions constituted only a preliminary survey and that the time at its disposal had not permitted the Commission to undertake a thorough study of the matter,

*Considering* the limited time available to the Conference to study the subject in full,

*Recommends* to the General Assembly of the United Nations that it refer to the International Law Commission further study of the subject of special missions in the light of the Vienna Convention on Diplomatic Relations adopted at the present Conference.

#### III. QUESTION OF PRECEDENCE OF HEADS OF INTERNATIONAL ORGANIZATIONS

5. At the twenty-third meeting of the Committee of the Whole, on 22 March 1961, the representative of the Philippines (Mr. Regala) referred<sup>10</sup> to the question of the precedence of heads of international organizations in connexion with article 13 of the draft articles on diplomatic intercourse and immunities prepared by

<sup>1</sup> For the summary record, see Official Records of the Conference, vol. I.

<sup>2</sup> Document A/CONF.20/L.22, reprinted, *ibid.*, vol. II.

<sup>3</sup> Document A/CONF.20/10/Add.1, reprinted, *ibid.*, vol. II.

<sup>4</sup> For the summary record, see *ibid.*, vol. I.

<sup>5</sup> Document A/CONF.20/C.1/L.315, reprinted, *ibid.*, vol. II.

<sup>6</sup> For the summary record see *ibid.*, vol. I.

<sup>7</sup> For the summary record, see *ibid.*, vol. I.

<sup>8</sup> Document A/CONF.20/L.2/Add.2, reprinted, *ibid.*, vol. II.

<sup>9</sup> Document A/CONF.20/10/Add.1, reprinted, *ibid.*, vol. II.

<sup>10</sup> For the summary record, see *ibid.*, vol. I.

the International Law Commission (A/3859, chapter III). This draft article concerned the division of heads of mission into classes and certain rules of precedence.

6. He noted that the International Law Commission had been requested by General Assembly resolution 1289 (XIII) to study relations between States and international organizations. However, many aspects of this subject were closely related to the problems discussed at the Conference. As an illustration of this point, Mr. Regala referred to the diplomatic status accorded to heads of some international organizations

in the host country, either as a matter of practice or under specific agreements. What was the status of the heads of these organizations vis-à-vis the diplomatic representatives accredited in the host country?

7. Mr. Regala believed that a multilateral approach to this problem would be in the interests of uniformity and of ensuring as wide an acceptance as possible of any rule so established. However, he would not press at this stage for the inclusion of express mention of the precedence of heads of international organizations in the convention being prepared by the Conference.