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Summary record of the 1017th meeting

Topic:
Representation of States in their relations with international organizations

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usually settled by the terms of the agreement between them.

56. Mr. BARTOŠ said that in the lengthy discussions on that point at the Vienna Conference on Consular Relations the conclusion had been reached that a question of internal fiscal legislation was involved and that it would be better to pay the dues and taxes, which were sometimes hard to separate from the rent, and then obtain a refund, as was the practice in the United Kingdom, for example.

57. The question raised by paragraph 2 was not so much one of finance as of the existence of treaties of reciprocity. Some States, even wealthy ones, could not acquire property in other States because they did not grant the same privileges in their own territory.

58. He saw no objection to deleting paragraph 2, but he doubted whether the General Assembly would support that decision.

The meeting rose at 1 p.m.

1017th MEETING

Wednesday, 9 July 1969, at 10.15 a.m.

Chairman: Mr. Nikolai USHAKOV

Present: Mr. Albónico, Mr. Bartoš, Mr. Castañeda, Mr. Castrén, Mr. Elias, Mr. Eustathiades, Mr. Ignacio-Pinto, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Rosenne, Mr. Ruda, Mr. Tammes, Mr. Tsuruoka, Mr. Ustor.

Relations between States and international organizations

(A/CN.4/218 and Add.1)

[Item 1 of the agenda]

(continued)

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE (continued)

ARTICLE 25 (Exemption of the premises of the permanent mission from taxation) (continued).¹

1. The CHAIRMAN invited the Commission to continue consideration of article 25 as proposed by the Drafting Committee.

2. Mr. NAGENDRA SINGH said that, in order to meet the point raised by Mr. Rosenne,² it would be advisable either to delete the words "and the permanent representative" in paragraph 1, or to replace them by "and the members of the permanent mission acting

on behalf of the mission", as in article 24 of the draft on special missions.

3. Otherwise, he fully supported the text proposed by the Drafting Committee, which closely followed the wording of the corresponding article 23 of the Vienna Convention on Diplomatic Relations.³ That wording granted the exemption from taxation to the sending State and to its representative. He did not support the idea of making the exemption apply to the property itself. An exemption of that kind would not create any problem where the premises were owned by the sending State, since the property of a sovereign State would be exempt from taxation in the host State; but in the case of premises leased to a mission by a private owner the position would be more complex. He himself would not favour an exemption *in rem*, which would benefit the owner of the building, usually a national of the host State. At New Delhi, the rent restriction legislation in force prevented an owner of leased premises from passing on to the lessee the full amount of the tax levied on the premises. For those reasons, he favoured the retention of paragraph 2.

4. Mr. ALBÓNICO said that, as he understood it, article 25 granted exemption from taxes assessed on the property itself and not from taxes on income derived from the property. The wording of paragraph 1 should therefore be brought more closely into line with the corresponding passage of article 32 of the 1963 Vienna Convention on Consular Relations.⁴

5. He was prepared to accept the concluding proviso "other than such as represent payment for specific services rendered", but was not altogether clear about its scope and meaning. A full explanation of it should be given in the commentary.

6. He also favoured the retention of paragraph 2, but there again the exception stated should be fully explained in the commentary, since the discussion had shown that its meaning was not at all clear.

7. Mr. CASTAÑEDA (Chairman of the Drafting Committee) said that two main points had emerged from the Commission's discussion. The first was that, as Mr. Rosenne had proposed, the words "the permanent representative" should be replaced by the words "the members of the permanent mission acting on behalf of the mission", in order to make the text consistent with article 24 of the draft on special missions.⁵ The reason why that wording had been used in the case of special missions was that a special mission did not always have a head, as was clear from article 9. In the case of a permanent mission, the sending State might wish to have the premises put in the name of a member of the mission, rather than in that of the permanent representative or in its own name. The Drafting Committee could therefore adopt Mr. Rosenne's proposal; but that would mean that article 25 would still be based on the idea behind its present wording.

³ United Nations, *Treaty Series*, vol. 500, p. 108.

⁴ *Op. cit.*, vol. 596, p. 288.

⁵ See *Official Records of the General Assembly, Twenty-third Session, Annexes, Agenda item 85, document A/7375, annex I.*

¹ See previous meeting, para. 43.

² *Ibid.*, paras. 47 and 48.

8. The second point, which several members had pointed out, was that it was neither the sending State nor the permanent representative that was exempted from dues and taxes, but the premises of the mission. That meant that the present drafting was not correct and it would be advisable to go back to the wording of the Vienna Convention on Consular Relations. If the present formulation were retained, the French version might be brought closer to the English by amending it to read "*impôts . . . relatifs aux locaux*" instead of "*impôts . . . au titre des locaux*". In any event, the article should be referred back to the Drafting Committee without any decision being taken on it for the moment.

9. There remained the case in which the permanent mission leased the premises it occupied. Two different views had been expressed on that point with reference to paragraph 2, and the Drafting Committee would have to decide which to adopt.

10. The CHAIRMAN suggested that article 25 be referred back to the Drafting Committee, with instructions to submit to the Commission either a redraft of the present text or a new text prepared in consultation with the Special Rapporteur on the basis of the corresponding article of the Vienna Convention on Consular Relations.

It was so agreed.

ARTICLE 26 (Inviolability of archives and documents)⁶

11. The CHAIRMAN invited the Chairman of the Drafting Committee to introduce the Drafting Committee's text for article 26.

12. Mr. CASTAÑEDA (Chairman of the Drafting Committee) said that the Drafting Committee proposed the following text:

Article 26

Inviolability of archives and documents

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

13. The Drafting Committee had made no drafting changes and had no comments to offer.

Article 26 was adopted.

14. Mr. ROSENNE said that article 26 was absolutely correct and he fully supported its provisions.

15. He wished, however, to draw attention to the fact that, following its discussion of the corresponding article of the draft on special missions, the Sixth Committee had adopted an amendment inserting an additional sentence which read: "They should, when necessary, bear visible external marks of identification".⁷ That new provision had the effect of destroying the inviolability which it was the purpose of the article to grant.

⁶ For previous discussion, see 994th meeting, para. 57 and 995th meeting.

⁷ See *Official Records of the General Assembly, Twenty-third Session, Annexes, Agenda item 85, document A/7375*, paras. 196-203.

ARTICLE 27 (Freedom of movement)⁸

16. The CHAIRMAN invited the Chairman of the Drafting Committee to introduce the Drafting Committee's text for article 27.

17. Mr. CASTAÑEDA (Chairman of the Drafting Committee), said that the Drafting Committee proposed the following text:

Article 27

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 permanent mission freedom of movement and travel in its territory.

18. The Drafting Committee had made no changes. Several of its members had, however, expressed differing views on a question of substance raised by Mr. TSURUOKA, namely, whether the host State could impose limits on the freedom of movement of members of a permanent mission. It was not for the Drafting Committee to decide that question; it had therefore provisionally approved article 27 and recommended that the Commission should consider the matter further in due course.

19. The Drafting Committee had decided to delete paragraph 3 of the commentary (A/CN.4/218) since it dealt with matters of fact, reference to which was not necessary in the context.

20. Mr. TSURUOKA said it was true he had considered that the present wording of article 27 might be open to abuse and lead to excessive claims by members of permanent missions. For example, it would be wrong, though consistent with the letter of article 27, for a member of a mission accredited to the United Nations in New York to claim the privileges and immunities to which he was entitled as a member of a permanent mission, wherever he happened to be in United States territory. That would clearly not be consistent with the spirit of article 27.

21. Such freedom of movement, together with enjoyment of the privileges and immunities attaching to their status, was justified in the case of consuls, since it enabled them to perform their functions, even though in principle it was restricted to their jurisdiction and did not extend to the entire territory of the host State. But there seemed to be no good reason for granting it to permanent representatives or members of a permanent mission, who had functions to perform only at the headquarters of the international organization to which they were accredited. Hence, either the wording of article 27 should be amended or it should be accompanied by a very full commentary.

22. Mr. ALBÓNICO said that freedom of movement guaranteed in article 27 should be qualified in the same manner as in the corresponding article 27 of the draft on special missions, which had been approved by

⁸ For previous discussion, see 995th meeting, para. 16.

the Sixth Committee.⁹ It would be appropriate to restrict freedom of movement to what was "necessary for the performance of the functions" of the mission, because a permanent mission's activities were more limited than those of a diplomatic mission or a consulate; they were confined to the functions it performed with the international organization concerned. It would not be appropriate to grant members of permanent missions unrestricted freedom of movement on the pattern of article 26 of the 1961 Vienna Convention on Diplomatic Relations or article 34 of the 1963 Vienna Convention on Consular Relations.

23. Mr. ROSENNE said that, with regard to the draft articles in general, he would favour the idea of re-emphasizing the functional element in an appropriate manner.

24. With regard to article 27, he had no objection to the text as far as it went, but he thought it did not exhaust all the possibilities. There was a fundamental difference between the type of diplomatic activity conducted by a permanent mission and the activities of diplomatic missions, consulates and special missions. In the first place, there was no bilateral agreement to establish the permanent mission. In the second place, there was no element of personal *agrément* for the appointment of the head of the permanent mission and its members.

25. Regardless of how broadly, or how narrowly, the rights and duties of the host State were expressed in article 27, the article did not sufficiently bring out the essential obligation of the host State never to impose restrictions capable of interfering with the proper functioning of the permanent mission or with the representation of the sending State to the organization. It would not be possible to cover that point by means of a mere reference in the commentary. It was essential to guarantee the freedom of entry of members of a permanent mission into the host State, and also into any country in which the organization held a meeting. Such freedom of entry should also be guaranteed to all persons attached to a mission for the purposes of a specific meeting.

26. Mr. USTOR said that freedom of movement was an important right for members of a permanent mission and should be maintained in the broad terms in which it was expressed in article 27. It was worth noting that freedom of movement was not limited in any way in either of the Vienna Conventions; in particular, consular officers were not restricted to their consular districts. The example of special missions was not relevant because special missions were of a temporary character. The members of a permanent mission to an international organization often lived for many years in the host country and they should be allowed to travel in that country.

27. There was, in fact, a bilateral agreement involved: the agreement between the host State and

the international organization. It was always open to the host State to see that any restrictions it considered necessary were included in that agreement. Article 4 of the draft¹⁰ covered that possibility.

28. The present situation was that prospective host States were competing with each other to attract international organizations and would certainly be willing to guarantee freedom of movement. He was therefore strongly in favour of retaining article 27 as it stood.

29. He would support the sound idea of dealing elsewhere in the draft with the question of persons attached to a permanent mission. In certain cases the host State had a moral obligation to allow other persons, such as press correspondents, to come to the seat of an international organization.

30. Mr. RUDA said that he too supported article 27 as it stood. The only grounds on which the host State could validly restrict freedom of movement were grounds of national security, and the article already covered that point. Any attempt to introduce a limitation based on the functional element would unduly restrict the freedom of movement of members of permanent missions. He was himself accredited as a permanent representative to the United Nations in New York and every week-end he travelled outside the city. It would be intolerable if permanent representatives were prevented from spending a holiday in the country in which the seat of the organization was situated. Their position must not be made less favourable than that of consuls, whose freedom of movement was not restricted to their consular districts.

31. The commentary should be made fuller and more explicit, but he approved of the Drafting Committee's decision to drop paragraph 3.

32. Mr. CASTRÉN said he agreed with the two previous speakers. The text of the corresponding articles in the Vienna Conventions on Diplomatic Relations and on Consular Relations was preferable to that of article 27 of the draft on special missions. In order to prevent any danger of abuse by the host State, it would be better not to add the reservation which had been included in the case of special missions and was justified by their temporary nature. If difficulties arose, it would always be possible to resort to consultations, for which provision would be made in the draft articles.

33. With regard to the commentary, it would be better to retain paragraph 3, since it was linked with paragraph 2; if the one paragraph was deleted, the other would have to be deleted too and the commentary would be silent on the subject of restrictions.

34. Mr. TSURUOKA said he thought that too much stress was being laid on possible abuses by the host State and not enough on the risk of abuses by the permanent representative or the members of the mission. It was not, perhaps, essential to mention that aspect of the question in the article itself, but attention should be drawn to it in some other way in the

⁹ See *Official Records of the General Assembly, Twenty-third Session, Annexes, Agenda item 85, document A/7375, annex I.*

¹⁰ *Yearbook of the International Law Commission, 1968, vol. II, Report of the Commission to the General Assembly, chapter II, section E.*

interests of the proper application and correct interpretation of the regime of diplomatic privileges and immunities to be confirmed by the convention that would result from the draft articles.

35. Mr. NAGENDRA SINGH said that while he fully appreciated the problems mentioned by Mr. Tsu-ruoka, he thought it would be impossible to limit freedom of movement on the basis of the functional element. A permanent representative could not be confined to his residence and his office. He therefore supported article 27 as it stood and suggested that the commentary should stress the need for members of a permanent mission to avoid any abuse of their rights.

36. Mr. EUSTATHIADES said he agreed with Mr. Castrén that it was more appropriate in the case of permanent missions to refer to the Vienna Conventions on Diplomatic and Consular Relations than to the draft on special missions, since the temporary nature of special missions justified restricting the freedom of movement of their members to what was necessary for the performance of their functions. He was in favour of keeping the text of article 27 as it stood and retaining paragraph 3 of the commentary.

37. The key to the problem was the relationship between article 27 and the articles on consultations and on non-discrimination. In the last resort, any difficulty would be overcome by application of the article on consultations.

38. The application of the article on non-discrimination to situations arising out of article 27 was, however, a delicate matter. The Commission's discussions on article 27 had shown that it wished to lay down not only the rule of non-discrimination, but also the rule of reciprocity. But it was hard to see how the collective relations between the host State and the member States of an international organization to which it was the host could be a substitute for bilateral relations and eliminate, for the host State, reciprocity with a member State of the organization. The fact that a host State maintained special relations with a member State, including the case of non-recognition, could not prevent an international organization from establishing or maintaining its headquarters in that State. It would be better, therefore, to keep the present wording of article 27 and, instead of deleting paragraph 3 of the commentary, to add to it a reference to consultations and non-discrimination, including reciprocity.

39. Mr. ELIAS said he was in favour of keeping article 27 as it stood, since to do otherwise would give the head of a permanent mission lesser privileges and immunities than the head of a consular post. A permanent representative to the United Nations enjoyed a status which was not inferior to that of an ambassador. The possibility of abuse existed for diplomatic representatives and consuls too, so it was not a valid reason for depriving permanent representatives of their rightful status. It was also desirable to maintain some degree of uniformity with the corresponding provisions of the two Vienna Conventions.

40. The CHAIRMAN, speaking as a member of the Commission, said that, like most members, he thought

article 27 should be adopted as it stood. In addition to the arguments already put forward, it could be said that, if the phrase "necessary for the performance of their functions" were added, it might give the impression that the host State could decide what was necessary for the performance of the functions of members of a permanent mission; and that was not a matter for the host State, but for the international organization.

41. With regard to Mr. Rosenne's suggestion, he would like to hear what persons would be covered by the provision on freedom of entry he wished to add to the draft.

42. Mr. ROSENNE said he entirely disagreed with the suggestion that an international organization had any voice in determining the functions of a permanent mission; it was for States to decide what the functions of their missions would be.

43. The duty of the host State to allow all members of a permanent mission unrestricted entry into its territory was a very important point which had not been dealt with in the draft. It was essential to make explicit provision for the freedom of entry not only of members of the permanent staff of the mission, but also of temporary members, such as an expert whose services were required by the permanent mission in connexion with a particular meeting.

44. The draft contained an article on "facilities for departure"—article 47 (A/CN.4/218/Add.1)—but it should also include an article on facilities for entry, which would explicitly state the host State's duty in that respect. An article of that kind had not been included either in the Vienna Convention on Diplomatic Relations or in the Commission's draft on special missions, because in those cases it was not necessary; since provision was made for the receiving State's consent to the establishment of a diplomatic mission, or to the sending of a special mission, and for *agrément* or its equivalent for the individuals concerned, the question of freedom of entry was covered automatically. In the case of permanent missions, the host State was not called upon to agree to the establishment of the mission and there was no *agrément* or equivalent procedure.

45. The question of freedom of entry should not be left to be implied from article 27, or to be covered under the provisions of article 4. The Drafting Committee should perhaps be invited to prepare a separate article on the right of unrestricted entry into the territory of the host State.

46. The CHAIRMAN suggested that the Secretariat be asked to transmit to the Special Rapporteur Mr. Rosenne's request that a new article be prepared on the freedom of entry of members of permanent missions.

It was so agreed.

47. The CHAIRMAN asked whether Mr. Albónico still wished to press his suggestion for the inclusion of a limitation on freedom of movement.

48. Mr. ALBÓNICO said that he had been convinced

by the arguments put forward by Mr. Ruda and other members that no limitation should be placed on the freedom of movement of members of a permanent mission; the proviso relating to national security was adequate to protect the interests of the host State. He therefore withdrew his suggestion.

49. Mr. TSURUOKA said that although he agreed to the adoption of the present wording of article 27, he would like his opinion on the possible abuse of privileges and immunities by members of permanent missions to be noted either in the commentary or in the Commission's report.

50. The CHAIRMAN said the Secretariat would take that request into account.

Article 27 was adopted.

ARTICLE 28 (Freedom of communication)¹¹

51. The CHAIRMAN, in the temporary absence of the Chairman of the Drafting Committee, invited Mr. Ustor to introduce the Committee's text for article 28.

52. Mr. USTOR said that the Drafting Committee proposed the following text:

Article 28

Freedom of communication

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

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

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

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

5. The courier of the permanent 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 permanent mission may designate couriers *ad hoc* of the permanent 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 permanent mission's bag in his charge.

7. The bag of the permanent 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 permanent mission. The permanent 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.

53. The Drafting Committee had made a number of slight changes in the Special Rapporteur's text (A/CN.4/218). For example, in the second sentence of paragraph 1, it had substituted the expression "consular posts" for the word "consulates", in order to conform with article 1, paragraph 1 (a), of the Vienna Convention on Consular Relations.¹² It had also deleted the word "diplomatic" before the word "couriers" in the same sentence, in order to avoid any possible confusion with the couriers of permanent diplomatic missions.

54. With regard to the expression "diplomatic missions", in the second sentence of paragraph 1, the Drafting Committee thought that it would be appropriate to explain in the commentary that it covered three kinds of diplomatic mission, namely, permanent diplomatic missions, permanent missions to international organizations, and special diplomatic missions of a permanent character.

55. Paragraph 7 was drafted on the lines of the corresponding paragraphs of the Vienna diplomatic and consular Conventions. The phrase "By arrangement with the appropriate authorities", at the beginning of the third sentence of the Special Rapporteur's draft, which had been included in article 28, paragraph 8, of the draft on special missions, had been deleted because, in the view of the Drafting Committee, no such special arrangements were necessary.

56. Mr. ROSENNE proposed that, in order to avoid possible difficulties of interpretation in the commentary, a reference to the other permanent missions of the sending State be included in the second sentence of paragraph 1 of the article. The sentence might read: "In communicating with the Government of the sending State, its diplomatic missions, its consular posts, its special missions and its other permanent missions wherever situated . . .".

57. Mr. CASTRÉN said he supported Mr. Rosenne's proposal; he also approved of the changes to the initial text made by the Drafting Committee.

58. Mr. RAMANGASOAVINA said that the restriction constituted by the phrase "for all official purposes", in paragraph 1, was entirely correct. He appreciated that a similar restriction could not be imposed in article 27, since there could be no question of denying freedom of movement for private travel to members of a permanent mission.

59. Nevertheless, in view of the possibilities of abuse pointed out by Mr. Tsuruoka, it should be possible, on the basis of the restriction in article 28, to draft a general article emphasizing that the legal régime for permanent missions was functional, which would clarify the meaning of several articles, particularly

¹¹ For previous discussion, see 995th meeting, para. 27.

¹² United Nations, *Treaty Series*, vol. 596, pp. 262-264.

article 27, without restricting their scope more than was necessary.

60. Mr. RUDA said he could accept the text proposed by the Drafting Committee, subject to the amendment proposed by Mr. Rosenne.

61. Mr. NAGENDRA SINGH said the Drafting Committee was to be congratulated on having produced a new text which satisfied all members of the Commission. He was prepared to accept that text, subject to the amendment proposed by Mr. Rosenne, which he fully endorsed.

62. The CHAIRMAN, speaking as a member of the Commission, said he agreed that it might be useful to mention other permanent missions in paragraph 1. It might be as well to specify, however, that what was meant was permanent missions to other international organizations.

63. With regard to possible abuses and the protection of the host State against them, under article 44 (A/CN.4/218/Add.1) it was the duty of members of a permanent mission to respect the laws and regulations of the host State, which meant that they must not take advantage of the privileges and immunities conferred upon them by the articles to contravene those laws and regulations. That gave the host State sufficient protection, at least in law. The Commission might bear Mr. Ramangasoavina's suggestion in mind, however, when it came to consider article 44.

64. Mr. USTOR, referring to Mr. Rosenne's amendment, said that the question arose what precisely was meant by the words "other permanent missions". Such missions might conceivably be not only permanent missions to international organizations, but also any other permanent missions of the sending State. In the interests of clarity, therefore, he suggested that the beginning of the second sentence of paragraph 1 be amended to read: "In communicating with the Government of the sending State, its diplomatic missions, its other permanent missions, its consular posts and its special missions, wherever situated . . .".

65. Mr. ROSENNE said that he could accept that amendment.

66. The CHAIRMAN, speaking as a member of the Commission, said he wondered whether the expression "permanent mission" without further qualification might not denote something other than a permanent mission to an international organization and whether it would not therefore be preferable to insert the qualification he had proposed.

67. Mr. ROSENNE said perhaps the Chairman had overlooked article 1 (d),¹³ which stated that a permanent mission was "a mission of representative and permanent character sent by a State member of an international organization to the Organization". That was obviously the meaning to be given to the expression in paragraph 1.

68. Mr. ELIAS, supported by Mr. TSURUOKA, proposed that Mr. Rosenne's amendment be adopted, subject to the deletion of the word "other" in the expression "other permanent missions".

69. Mr. ROSENNE and Mr. USTOR said that they could accept that further amendment.

70. The CHAIRMAN suggested that, if there were no objection, the Commission adopt article 28, with the insertion in paragraph 1 of the words "its permanent missions" after the words "its diplomatic missions".

Article 28, thus amended, was adopted.

The meeting rose at 12.50 p.m.

1018th MEETING

Thursday, 10 July 1969, at 10.25 a.m.

Chairman: Mr. Nikolai USHAKOV

Present: Mr. Albónico, Mr. Bartoš, Mr. Castañeda, Mr. Castrén, Mr. Elias, Mr. Eustathiades, Mr. Ignacio-Pinto, Mr. Kearney, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Rosenne, Mr. Ruda, Mr. Tammes, Mr. Tsuruoka, Mr. Ustor.

Relations between States and international organizations

(A/CN.4/218 and Add.1)

[Item 1 of the agenda]

(continued)

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE (continued)

ARTICLE 29 (Personal inviolability)¹

1. The CHAIRMAN, in the temporary absence of the Chairman of the Drafting Committee, invited Mr. Ustor to introduce the Drafting Committee's text for article 29.

2. Mr. USTOR said that the Drafting Committee proposed the following text:

Article 29

Personal inviolability

The persons of the permanent representative and of the members of the diplomatic staff of the permanent 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.

¹³ *Yearbook of the International Law Commission, 1968, vol. II, Report of the Commission to the General Assembly, chapter II, section E.*

¹ For previous discussion, see 995th meeting, para. 41.