

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

A/CN.4/L.120
15 June 1967

ENGLISH
Original: ENGLISH/
FRENCH/
SPANISH

INTERNATIONAL LAW COMMISSION
Nineteenth session
Agenda item 1

DRAFT ARTICLES ON SPECIAL MISSIONS

Articles 1 to 8 adopted by the Drafting Committee

Article 1

Sending of special missions

1. States may, for the performance of specific tasks, send temporary special missions to another State with the consent of the latter.
2. The existence of diplomatic or consular relations is not necessary for the sending or reception of special missions.
3. A State may send a special mission to a State, or receive one from a State, which it does not recognize.

Article 2

Field of activity of a special mission

The field of activity of a special mission shall be specified by the consent of the sending State and of the receiving State.

GE.67-10862

67-15098

(5 p.)

Article 3

Appointment of the members of the special mission

The sending State may freely appoint the members of the special mission after having informed the receiving State of the number and the identity of the persons it intends to appoint.

Article 4

Persons declared non grata or not acceptable

1. The receiving State may, at any time and without having to explain its decision, notify the sending State that any representative or any member of the diplomatic staff of the special mission is persona non grata or that any other member of the staff 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 non grata or not acceptable before arriving in the territory of the receiving State.
2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this article, the receiving State may refuse to recognize the person concerned as a member of the special mission.

Article 5

Sending of the same special mission to two or more States

A State may send the same special mission to two or more States after having consulted all of them beforehand. Any of those States may refuse to receive that special mission.

Article 5 bis

Sending of a joint special mission by two or more States

Two or more States may send a joint special mission to another State unless that State, which shall be consulted beforehand, objects thereto.

Article 5 ter

Sending of special missions by two or more States

in order to deal with a question of common interest

Two or more States may each send a special mission at the same time to another State in order to deal, with the agreement of all of them, with a question of common interest.

Article 6

Composition of the Special Mission

1. The special mission may consist of one or more representatives of the sending State from among whom the sending State may appoint a head. It may also include diplomatic staff, administrative and technical staff and service staff.
2. Members of a permanent diplomatic mission accredited to the receiving State may be included in the composition of the special mission while retaining their functions in the permanent diplomatic mission.
3. In the absence of an express agreement on the question, the receiving State may require that the size of a special mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and to the tasks and the needs of the special mission.

Article 7

Authority to act on behalf of the special mission

1. The head of the special mission or, if the sending State has not appointed a head, one of the representatives of the sending State designated by the latter, is authorized to act on behalf of the special mission and to address communications to the receiving State. The receiving State shall address communications concerning the special mission to the head of the mission or, if there is none, to the representative referred to above.

2. A member of the special mission may be authorized by the sending State, by the head of the special mission or, if there is none, by the representative referred to in paragraph 1 above, either to substitute for the head of the special mission or for the aforesaid representative, or to perform particular acts on behalf of the mission.

Article 8

Notification

1. The Ministry of Foreign Affairs of the receiving State, or such other organ as may have been agreed on, shall be notified of:
 - a) The composition of the special mission and any subsequent changes;
 - b) The arrival and final departure of members of the mission and the termination of their functions with the mission;
 - c) The arrival and final departure of any person accompanying a member of the mission;
 - d) The engagement and discharge of persons residing in the receiving State as members of the mission or as persons in private service;
 - e) The designation of the head of the special mission or, if there is none, of the representative referred to in paragraph 1 of article 7 and of any substitute for them.