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Summary record of the 1015th meeting

Topic:
Representation of States in their relations with international organizations

Extract from the Yearbook of the International Law Commission:-
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the beginning of the second sentence, since the first and second sentences did not refer to the same thing.

49. The CHAIRMAN, speaking as a member of the Commission, said he agreed that instead of adding a new article, as he had proposed, the second sentence of the article should be amended on the lines he had suggested.

50. Mr. EUSTATHIADES said that, although he had no objection to the substance of that proposal, he did not think it was desirable to include in article 22 the idea that the organization must ensure that privileges and immunities were accorded. The article was of a general character and provided an introduction to the next article, which was more specific. The Chairman's proposal could be inserted later in the draft.

51. There was no justification for including the phrase "having regard to the nature and task of permanent missions to the Organization". Although it was used in article 22 of the draft on special missions, where it had been included for the first time—it did not appear in the corresponding articles of the Vienna Conventions on Diplomatic and Consular Relations—the reasons which had led the Commission to use the words in that instance did not apply to permanent missions. The Commission had then been referring to the particular characteristics of special missions, their task and their field of activity, which were clearly defined for each special mission. On that point, paragraph (2) of the commentary on article 22 of the draft on special missions, and articles 2 on 3 of that draft, were instructive.⁸ Permanent missions, on the other hand, all had the same characteristics and the same functions. Since their nature and tasks did not differ, the phrase was inappropriate in the present draft.

52. Mr. YASSEEN said that he too was against retaining that phrase, since the article provided that the host State should accord to the permanent mission not all facilities of whatever kind, but full facilities for the performance of its functions. There was therefore no need for that additional phrase, since the task of the mission could not go beyond its functions.

53. The Chairman's proposal was incomplete, for, while the organization was required to assist permanent missions in obtaining certain facilities from the host State, it was also required to provide them with certain facilities. The idea of those two obligations should be retained. In order to avoid having to repeat it in every article, it might be possible to include in a single article all aspects of the assistance which the organization was required to give to permanent missions.

54. Mr. USTOR said he supported the Chairman's amendment to the second sentence of article 22, since he fully agreed that the organization should have some say in the privileges and immunities to be accorded to the permanent mission and its members.

55. He noted, incidentally, that the Chairman's amendment did not include any reference to the "members" of the permanent mission. It was obviously the legal right

and duty of the organization to take care of the privileges and immunities of both the permanent mission and its members, and in view of the importance of that matter, he agreed with Mr. Yasseen that a separate article should be devoted to it.

56. Mr. BARTOŠ said he approved of the substance of the proposals made by the Chairman and Mr. Ustor.

57. With regard to the drafting, article 22 should have two paragraphs. Paragraph 1 would provide that the host State and third States were required to accord to sending States and to their permanent missions the privileges and immunities provided for in the articles. Paragraph 2 would be worded as proposed by the Chairman. The article would be followed by a new article on facilities in general, for it was more logical to start with the obligation of States to accord privileges and immunities, and then to say the organization was required to ensure that those privileges and immunities were accorded.

58. The CHAIRMAN suggested that article 22 be referred back to the Drafting Committee, on the understanding that it would get in touch with the Special Rapporteur and prepare alternative versions taking account of the comments made during the discussion.

*It was so agreed.*⁹

The meeting rose at 1 p.m.

⁹ For resumption of the discussion, see 1030th meeting, para. 53.

1015th MEETING

Monday, 7 July 1969, at 3.15 p.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. Tsuruoka, Mr. Ustor.

Relations between States and international organizations

(A/CN.4/218)

[Item 1 of the agenda]

(continued)

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE (continued)

ARTICLE 23 (Accommodation of the permanent mission and its members)¹

1. The CHAIRMAN invited the Chairman of the Drafting Committee to introduce the Drafting Committee's text for article 23.

⁸ See *Yearbook of the International Law Commission, 1967*, vol. II, pp. 359 and 348-349.

¹ For previous discussion, see 993rd and 994th meetings.

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

Article 23

Accommodation of the permanent mission and its members

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 its permanent mission or assist the latter in obtaining accommodation in some other way.

2. The host State and the organization shall also, where necessary, assist permanent missions in obtaining suitable accommodation for their members.

3. Although article 22 had been referred back to the Drafting Committee and article 23 was closely linked with it, the Commission could nevertheless start considering article 23, which was a specific application of the general principle laid down in article 22.

4. The English text of article 23 had been left unchanged. In the French text, the Drafting Committee had merely replaced the words "*doit . . . faciliter*" and "*doivent . . . aider*" by the present indicative of the same verbs, for the sake of uniformity and to conform with French legal usage.

5. The Drafting Committee had retained the word "acquisition", although some members of the Commission had objected that the laws of the host State sometimes prevented the sending State from acquiring property in its territory; it considered that "acquisition" was appropriate in most cases and that the second part of the sentence, "or assist the latter in obtaining accommodation in some other way", was general enough to cover all other eventualities.

6. It had also decided not to delete the words "by the sending State" in paragraph 1, as some members had suggested, because they appeared in article 21 of the Vienna Convention on Diplomatic Relations² and since the situations were precisely the same, if those words were omitted in might give the impression that a different rule was being stated, which was not the case. The Committee had considered that the second part of the sentence would cover cases in which the sending State could not acquire property in its own name.

7. The Drafting Committee had decided to ask the Special Rapporteur to expand the passage in the commentary concerning acquisition.

8. The CHAIRMAN, speaking as a member of the Commission, said that if the Commission decided, as he had suggested at the previous meeting,³ to draft a separate general article on the organization's obligation to help the sending State and permanent missions to obtain facilities and the requisite privileges and immunities from the host State, there would be no need to mention the organization in article 23, paragraph 2.

9. In any event, the host State and the organization should not be placed on the same footing, as they seemed to be in paragraph 2, for it was the host State

that was primarily responsible for facilitating the obtaining of accommodation by permanent missions and their members. The organization intervened only in case of need. The article should therefore state, as he had already proposed for the second sentence in article 22, that "the organization shall assist where necessary". The Commission would not, of course, be able to decide those two points until it had taken a decision on article 22 and the proposed separate article.

10. Mr. BARTOŠ reminded members that, on reflection, the Special Rapporteur had come to the conclusion that the organization had a specific obligation in the matter of accommodation, since it might be obliged to find accommodation for members of permanent missions itself, either by lodging them on its own premises if they were subjects of a sending State which was in armed conflict with the host State, to whom the host State was bound to grant free passage, but not also the right to reside in its territory, or, when there was a serious housing shortage, by building accommodation, as FAO had done in Rome. According to the information he had been able to obtain, some regional organizations, such as Euratom and the Danube Commission, had also built housing for the members of permanent missions accredited to them. Article 23 should therefore mention the organization's obligation, which went beyond simply applying to the host State, unless the Commission decided to include the separate article suggested by the Chairman. Until the views of Member States on the subject were known, he thought it might perhaps be advisable to put paragraph 2 in brackets.

11. The CHAIRMAN, speaking as a member of the Commission, said he agreed with Mr. Bartoš, but it was nevertheless necessary to bring out the difference between the obligation of the host State, which could assist the permanent mission directly, and the obligation of the organization, which could only assist it by applying to the host State; for even if the organization did build special housing, it could only do so with the host State's consent.

12. Mr. CASTAÑEDA (Chairman of the Drafting Committee), speaking as a member of the Commission, said he doubted whether it was really necessary to wait till a separate general article had been drafted before taking a decision. The general article would not necessarily be incompatible with paragraph 2 of article 23 since it would be of a general character, whereas paragraph 2 was quite specific.

13. What remained to be specified was whether the organization had to assist permanent missions in obtaining accommodation or had to ensure that they did obtain accommodation, and whether its responsibility was, so to speak, subsidiary to that of the host State. Hence the Drafting Committee could either try to improve the drafting of paragraph 2, or wait until the Commission had taken a decision on the separate article.

14. Mr. USTOR said he was prepared to support paragraph 1 as it stood. He wished to place on record, however, that he interpreted the phrase "premises necessary for its permanent mission" as including, in certain

² United Nations, *Treaty Series*, vol. 500, p. 106.

³ See para. 32.

cases, both office premises and apartments for lodging the members of the permanent mission.

15. Mr. TSURUOKA said he doubted whether the word "premises" could be interpreted as also covering the accommodation of members of the permanent mission. He would like that dissenting view to be mentioned in the commentary.

16. Mr. CASTAÑEDA (Chairman of the Drafting Committee) said it was for the Special Rapporteur to draft the commentary as he thought fit. The Drafting Committee had decided, however, to recommend him to place special emphasis on certain specific points in the light of the Commission's discussions.

17. Mr. ROSENNE said he would like to state for the record that in his opinion an interpretation of a draft article given by a member of the Commission before its adoption did not have the same force as an explanation or interpretation given by the Special Rapporteur. The two cases must be considered to rank differently in the hierarchy of interpretative sources.

18. Mr. USTOR said that, without making a formal proposal to that effect, he hoped that both the Special Rapporteur and the Commission would adopt his interpretation of the language of paragraph 1.

19. The CHAIRMAN suggested that the Commission should approve paragraph 1 of article 23, provisionally approve paragraph 2 and authorize the Drafting Committee to redraft the latter paragraph if necessary, bearing in mind that either article 22 might be amended or a new separate article might be drafted.

It was so agreed.

ARTICLE 24 (Inviolability of the premises of the permanent mission)⁴

20. The CHAIRMAN invited the Chairman of the Drafting Committee to introduce the Drafting Committee's text for article 24.

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

Article 24

Inviolability of the premises of the permanent mission

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

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

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

22. The Drafting Committee had merely replaced the expression "head of the mission", at the end of para-

⁴ For previous discussion, see 994 th meeting, para. 58, and 995th meeting.

graph 1, by "permanent representative", in conformity with the definition in article 1 (e).⁵ Some members of the Drafting Committee had, however, expressed the opinion that it might be advisable to reconsider the terminology at the second reading, since the permanent representative was not necessarily the head of the mission. The main point was to state clearly that it was the consent of the person leading the mission that was required.

23. Some members of the Commission wished a new paragraph to be added providing that, in case of fire in the mission's premises, the consent of the permanent representative could be assumed. The Vienna Convention on Diplomatic Relations did not contain any such clause, but one was included in article 31 of the Vienna Convention on Consular Relations,⁶ and it had been introduced into the draft on special missions. The Sixth Committee had discussed the point at the twenty-third session of the General Assembly and had adopted by 48 votes to 5, with 29 abstentions, an amendment by Argentina to article 25 of the draft on special missions, which read: "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 the special mission or, where appropriate, of the head of the permanent mission."⁷ The Sixth Committee had considered that it was a question of substance, not merely of drafting. The Drafting Committee had not wished to take any decision, since it was for the Commission to decide whether it wished to add some such paragraph to article 24.

24. Mr. EUSTATHIADES said the Commission should accept the Drafting Committee's opinion and approve the substitution of the expression "permanent representative" for "head of the mission". In the light of the definition given in article 1 (e) the Commission had hitherto acted on the assumption that the permanent representative was the head of the mission or the person replacing him, but it was no time to start a discussion on that point; it would be better to wait till the Commission reverted to the definitions article.

25. With regard to the question of fire or other disasters, the Special Rapporteur had agreed to his suggestion that it be explained in the commentary that the article did not cover cases of *force majeure*. In view of the Sixth Committee's reception of the Argentine amendment just read out by Mr. Castañeda, the least the Commission could do was to include it in the commentary, though he himself would have no objection to its incorporation in the text of the article.

26. Mr. ROSENNE said that he saw certain difficulties in the present text of article 24. The article seemed to assume, for example, that the premises in question would be used exclusively by the permanent mission; but there

⁵ Yearbook of the International Law Commission, 1968, vol. II, Report of the Commission to the General Assembly, chapter II, section E.

⁶ United Nations, Treaty Series, vol. 596, p. 288.

⁷ See Official Records of the General Assembly, Twenty-third Session, Annexes, Agenda item 85, document A/7375, paras. 188-195.

might be cases in which the permanent mission shared premises with a diplomatic or consular mission, or possibly with both.

27. Moreover, he thought it would be better to adopt a less rigid text for paragraph 1, including something on the lines of the Argentine amendment referred to by Mr. Castañeda.

28. Mr. KEARNEY said that Mr. Rosenne had raised an interesting question concerning the possibility of taking emergency action in a building of mixed occupancy. In dealing with cases of *force majeure*, time was usually of the essence and it was not possible to observe all the niceties of diplomatic procedure. Most permanent missions in large cities did not occupy separate and exclusive buildings, and their members generally lived in apartment houses. In those conditions, it could be a very real problem to obtain permission from the head of a permanent mission to enter the premises of one of his subordinates, who might live several miles away. That was why he had favoured the inclusion of a paragraph to cover such a contingency;⁸ he would not press the point, however, if the Commission thought it could be dealt with in the commentary. He suggested, therefore, that the Commission should defer a final decision until it had an opportunity of seeing what the Special Rapporteur proposed to include in his commentary.

29. Mr. CASTAÑEDA (Chairman of the Drafting Committee), speaking as a member of the Commission, said that an explanation in the commentary would not suffice. The commentary was invaluable for interpreting the meaning of a legal rule in an article, but it could never be a substitute for a rule. If the Commission wished to make it a rule that in certain circumstances the consent of the permanent representative was assumed, it must say so.

30. The fact that there was no clause of that kind in the Vienna Convention on Diplomatic Relations was not conclusive. Public safety was more seriously threatened by a fire in the premises of a permanent mission, which were usually in a building occupied by other offices too, than by a fire in the premises of a diplomatic mission, which often consisted of a house with a garden round it. A rule to cover such emergencies should be stated in the article itself, provided that some formulation could be found which was not open to abuse. He therefore formally proposed the addition to article 24 of a paragraph worded like the Argentine amendment, but with the substitution of the words "the permanent representative" for "the head of the special mission or, where appropriate, of the head of the permanent mission".

31. Mr. NAGENDRA SINGH said that the first problem was whether to adhere to the rigid rule of absolute inviolability states in article 24, which was based on article 22 of the 1961 Vienna Convention on Diplomatic Relations,⁹ or to adopt a flexible approach

on the lines of article 31 of the 1963 Vienna Convention on Consular Relations. Personally, he was in favour of flexibility because of practical considerations: it was not always possible to obtain the consent of the permanent representative in an emergency.

32. The second problem was whether to introduce the element of flexibility in the commentary or in the article itself. On that issue, he shared the views of those who favoured the inclusion of a suitable provision in the article.

33. The last problem was how best to amend article 24. He was in favour of introducing the Argentine amendment to article 25 of the draft on special missions, which was more or less intermediate between the positions of the Diplomatic and Consular Conventions. He suggested that the Drafting Committee be invited to consider how that text, which the Chairman of the Drafting Committee had read out, could be incorporated in article 24.

34. Mr. CASTRÉN said that at first sight he had been in favour of retaining the Drafting Committee's wording of paragraph 1, since the situation of permanent missions to international organizations should, as a general rule, be assimilated to that of permanent diplomatic missions rather than that of special missions.

35. For the practical reasons given by Mr. Castañeda, however, he would accept the suggested addition. The Commission would thus be drawing the attention of governments to the point, and it could take a final decision when it had examined their comments.

36. Mr. BARTOŠ said he agreed with Mr. Castrén. Regular diplomatic missions generally occupied a building of which they had exclusive use, whereas permanent missions to international organizations were usually installed in blocks of flats or offices. Any disaster on their premises was therefore likely to endanger those occupying premises in the same building.

37. Since the commentary would lose its legal force once the convention had been adopted, he thought that special case should be provided for in the text of the article itself.

38. Mr. ELIAS said he supported the inclusion of the text proposed by Mr. Castañeda, either as part of paragraph 1 or as an independent paragraph. Unless a provision of that type was included, article 24 would be self-contradictory. On the one hand it would require the host State to ensure the inviolability of the permanent mission, while on the other, it would deprive the host State of the means of discharging that responsibility.

39. The proposed amendment would also have the advantage of enabling the authorities of the host State to discharge their general responsibility for the protection of life and property. It was essential to make provision for emergencies by amending the article itself. It would not be sufficient just to include a passage in the commentary, because the commentaries would fade away once the draft articles were adopted. Moreover, the substance of the matter was much too important to be relegated to the commentary.

⁸ See 995th meeting, para. 3.

⁹ United Nations, *Treaty Series*, vol. 500, p. 106.

40. There remained the very valid point raised by Mr. Rosenne regarding a permanent mission housed in premises which also served for a diplomatic mission and as a consulate. The Drafting Committee should consider that situation. In such cases of multiple representation, the question of priority would have to be settled in order to determine whose consent must be sought to enter the premises.

41. Mr. USTOR said he was in favour of retaining the Drafting Committee's text, which conformed to the wording of the corresponding provision of the 1961 Vienna Convention on Diplomatic Relations. Cases of emergency of the type under discussion were extremely rare and, when they occurred, were usually dealt with by obtaining the consent of the head of mission concerned. It would be an unduly perfectionist approach to try to include a special provision on the subject in a convention of a general character, such as the one now being drafted. A convention of that type could not cover every possible case. Consequently, he could not support the amendment proposed by Mr. Castañeda.

42. If the text was left as it stood, the position for permanent missions would be the same as it was for diplomatic missions under the 1961 Vienna Convention on Diplomatic Relations. Cases of emergency would be governed by the general rules of international law. The relevant rules were the rule of good faith, on the part of both the mission and the host State, and the general rule that, in cases of extreme necessity the normal rules did not prevail. Perhaps a very general statement on the subject might be included in the commentary, but the main point was to maintain the essential principle of the inviolability of the permanent mission, as had been done for diplomatic missions in the 1961 Vienna Convention. The legal position of permanent missions should not be weakened in any way and the rule of inviolability should be upheld without qualification.

43. Mr. RUDA said he supported the Drafting Committee's decision to use the term "permanent representative" instead of "head of the permanent mission" in paragraph 1. A State would sometimes designate a head of its mission to a particular organ of the United Nations, such as the General Assembly, but would still have a permanent representative, who was a different person.

44. The case of triple representation mentioned by Mr. Rosenne was not uncommon. To take an example, the permanent mission of Argentina to the International Atomic Energy Agency at Vienna was housed in the same premises as the embassy and the consulate. There were similar cases, he believed, in Geneva. He therefore supported the suggestion that the Special Rapporteur and the Drafting Committee should give careful consideration to that problem.

45. He supported Mr. Castañeda's proposal to amend article 24 to cover emergencies. In article 25 of the draft on special missions, the Commission had included a provision on the subject, with the following explanation in paragraph (4) of the commentary: "The Commission

added this provision to the draft on the proposal of certain governments, although it was opposed by several members of the Commission as they considered that it might lead to abuses".¹⁰ The provision in question had been amended by the Sixth Committee, which had adopted a somewhat less rigid formula that ensured an adequate balance between the need to preserve the principle of inviolability of the premises and the need to preserve public safety. The adoption of Mr. Castañeda's amendment on those lines would have the advantage of enabling the Commission to obtain the views of governments on an important question.

46. Mr. RAMANGASOAVINA said he agreed that the term "head of the mission" should be replaced by "permanent representative". The latter term was the more accurate. The head of a permanent mission might be someone appointed in an honorary capacity who did not reside at the place where the mission was accommodated.

47. The addition proposed by Mr. Castañeda certainly made the principle of the inviolability of the premises of the permanent mission more flexible. He was in favour of such flexibility, especially because a flat statement that the permanent representative's consent was required might work against the interests of the permanent mission it was desired to protect, for the host State might be deprived of the means to fulfil its special duty under paragraph 2.

48. Mr. IGNACIO-PINTO said he naturally did not question the need to ensure the inviolability of the mission's premises. Nevertheless, the host State could not be so tied down by that principle that, if a disaster occurred, it must remain inactive because it had been unable to obtain consent from the person empowered to give it. It had already been shown that it was not always easy to know who was empowered to give such consent. It would be an extraordinary position if, when a fire broke out on the premises of a permanent mission, the host State could not protect other permanent missions in neighbouring premises merely because it had been unable to obtain the consent of the person empowered to give it on the mission's behalf.

49. Subject to any subsequent comments by governments, such a case of *force majeure* should be provided for in the text of the convention itself, not merely in the commentary.

50. Mr. ROSENNE said that the Drafting Committee should carefully examine the wording of paragraph 3, in particular the words "and other property thereon". That language covered only property of the mission situated in the mission's premises. In fact, it was necessary to ensure the inviolability of the property of the mission wherever such property might be situated. It was quite common for a member of a permanent mission to have in his private residence some property belonging to the mission, but article 30¹¹ only covered the personal possessions of the persons concerned. Hence, if article 24

¹⁰ See *Yearbook of the International Law Commission, 1967*, vol. II, p. 360.

¹¹ See 1018th meeting, para. 5.

remained as it stood, property of the mission outside its premises would not be covered either by article 24 or by article 30.

51. Mr. TSURUOKA said he did not believe that the proposed addition to paragraph 1 of article 24 was prompted by an excessive desire for perfection. On the contrary, it reflected a very pragmatic view, and he therefore supported it. The Drafting Committee should perhaps consider, however, whether it was desirable, in a general convention, to deal with *force majeure* in the form of a specific case.

52. Mr. EUSTATHIADES said that, first, he questioned whether limiting the exception to serious threats to public safety was justified. True, it might facilitate adoption of the text, but it might also lead to regrettable inactivity on the part of the authorities in the case of less obviously serious disasters.

53. Secondly, he agreed that provision should be made for the special case of a permanent diplomatic mission and a permanent mission to an international organization occupying the same premises; but it must be remembered that it was because a special mission was to some extent subordinate to the permanent diplomatic mission that, under the text adopted by the Sixth Committee, consent could be given either by the head of the special mission or by the head of the permanent diplomatic mission. Since the situation of permanent missions to international organizations was different, the solution should be different too. The Drafting Committee should consider those two points.

54. Lastly, respect for the text of the 1961 Vienna Convention on Diplomatic Relations should not be carried too far merely for fear of *a contrario* reasoning. If the 1961 Convention was not satisfactory on a particular point, there was no reason to adhere to it. In the present instance, in any event, different treatment of permanent diplomatic missions and permanent missions to international organizations was sufficiently justified by the difference, which had been pointed out, in the kind of premises they occupied.

The meeting rose at 5.55 p.m.

1016th MEETING

Tuesday, 8 July 1969, at 10.10 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. Ramanga-soavina, Mr. Rosenne, Mr. Ruda, Mr. Tammes, Mr. Tsuruoka, Mr. Ustor.

Relations between States and international organizations

(A/CN.4/218)

[Item 1 of the agenda]

(continued)

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE (continued)

ARTICLE 24 (Inviolability of the premises of the permanent mission) (continued)¹

1. The CHAIRMAN invited the Commission to continue consideration of article 24 as proposed by the Drafting Committee.

2. Mr. ALBÓNICO said that, in his view, the original text of article 25 of the draft on special missions² offered adequate safeguards in case of fire or other disaster; the amendment proposed by Argentina and subsequently adopted by the Sixth Committee³ was unnecessary.

3. He could accept the text of paragraph 1 of article 24, as proposed by the Drafting Committee, on the understanding that agents of the host State could not enter the premises of the permanent mission except with the consent of the head of the mission, as provided in the Commission's original text of article 25 of the draft on special missions.

4. He could also accept paragraphs 2 and 3 of article 24, since they reflected the corresponding provisions of the Vienna Convention on Diplomatic Relations.⁴

5. Mr. ROSENNE said it was unfortunate that the Special Rapporteur was not present, so that the Drafting Committee could have the benefit of his views. In his opinion, the Drafting Committee should be free to scrutinize the texts of the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations⁵ and the draft on special missions adopted by the Sixth Committee at its twenty-third session⁶ and to pick out what was most appropriate for the present draft article 24. The Drafting Committee should not feel itself obliged to give priority to the text of the Diplomatic Convention if it considered it inadequate, incomplete or outdated in any particular respect, since that Convention dealt with quite different matters from those under consideration.

6. The discussion had shown that the premises of the permanent mission could be of two kinds, either a detached set of offices or apartments, or buildings which were open to occupancy by others. There was also, however, a third category, namely, premises occupied by a permanent mission in the headquarters building of

¹ See previous meeting, para. 21.

² See *Yearbook of the International Law Commission, 1967*, vol. II, p. 360.

³ See previous meeting, para. 23.

⁴ United Nations, *Treaty Series*, vol. 500, pp. 106-108, article 22.

⁵ *Op. cit.*, vol. 596, p. 288, article 31.

⁶ See *Official Records of the General Assembly, Twenty-third Session, Annexes*, Agenda item 85, document A/7375, annex I, article 25.