

Document:-
A/CN.4/SR.1142

Summary record of the 1142nd meeting

Topic:
Representation of States in their relations with international organizations

Extract from the Yearbook of the International Law Commission:-
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that would probably keep it busy for some fifteen years, before it need contemplate adding further items to its long-term programme. It should not be forgotten, too, that the Commission might be called upon by the General Assembly to give urgent consideration to questions of immediate importance.

42. The question of jurisdiction with regard to crimes committed outside national territory, which had been included in the programme of work for 1949, could now be discarded, since it was a complex problem in international criminal law, for which it would probably be hard to devise uniform rules because national law on the subject differed so widely.

43. On the other hand, it was to be hoped that the study of State responsibility would make it possible to consider the question of the treatment of aliens more successfully than in the past. The question of the right of asylum should preferably be left to the General Assembly, because it was essentially political in character and the Assembly had already considered some aspects of it and adopted a declaration on the subject. The questions of the recognition of States and Governments and the jurisdictional immunities of States and their property should, however, remain on the Commission's long-term programme of work in view of their practical importance and their legal interest, as well as historic waters, including historic bays.

44. The following items might be added to the programme. First, the problems arising from the protection and inviolability of diplomatic agents, representatives of States and consular agents, in other words, the application and strengthening of certain rules of diplomatic and consular law, in particular, the relevant provisions of the 1961 and 1963 Vienna Conventions and the rules concerning the legal status of representatives of States in organizations and international conferences. Secondly, international agreements concluded between subjects of international law other than States and international organizations, such as insurgents. Thirdly, the legal aspects of international unilateral acts; he was referring to Mr. Tammes's remarks and to paragraphs 279-283 of the Secretary-General's working paper. A study of that subject might be of great practical value to States in their mutual relations and it would be well to embark on it, even if its codification was likely to cause some difficulty owing to the lack of agreements on the matter, because unilateral acts were common in international practice and writers had been displaying special interest in them in recent years. Fourthly, since the Commission had almost completed the first part of the topic of relations between States and international organizations, the legal status of international organizations themselves should be considered in order to complete the codification of the subject; indeed, some governments had at one time proposed that that question be considered before the question of representatives of States in organizations. Lastly, human rights were a subject of special importance at the present time. Some aspects had already been codified at the international or regional level, but several others required consideration if they were to be

regulated by written rules. The Commission might help by selecting an appropriate aspect for codification.

The meeting rose at 4.30 p.m.

1142nd MEETING

Thursday, 22 July 1971 at 11.50 a.m.

Chairman: Mr. Senjin TSURUOKA

Present: Mr. Ago, Mr. Alcívar, Mr. Bartoš, Mr. Bedjaoui, Mr. Castrén, Mr. Elias, Mr. El-Erian, Mr. Eustathiades, Mr. Kearney, Mr. Rosenne, Mr. Sette Câmara, Mr. Tammes, Mr. Thiam, Mr. Ushakov, Mr. Yasseen.

Relations between States and international organizations

(A/CN.4/221 and Add.1; A/CN.4/238 and Add.1 and 2; A/CN.4/239 and Add.1 to 3; A/CN.4/240 and Add.1 to 7; A/CN.4/241 and Add.1 to 6; A/CN.4/L.162/Rev.1; A/CN.4/L.174/Add.5 and 6)

[Item 1 of the agenda]

(resumed from the 1140th meeting)

FIFTH REPORT OF THE WORKING GROUP

Observer delegations to organs and to conferences

1. The CHAIRMAN invited the Chairman of the Working Group to introduce its fifth report (A/CN.4/L.174/Add.6).

ARTICLES A to X

2.

Article A¹

Use of terms

(a) "observer delegations 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;

¹ Corresponds to article 1.

(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;

3.

Article B²

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.

4.

Article C³

Appointment of the members of the observer delegation

Subject to the provisions of article 71, the sending State may freely appoint the members of the observer delegation.

5.

Article D⁴

Letters of appointment of the observer delegates

The letters of appointment of the observer 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.

6.

Article E⁵

Composition of the observer delegation

1. The observer delegation shall consist of one or more observer delegates.

2. It may also, if necessary, include some administrative and technical staff.

7.

Article F⁶

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.

8.

Article G⁷

Precedence

Precedence among observer delegations shall be determined by the alphabetical order of the names of their States used in the Organization.

9.

Article H⁸

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.

10.

Article I⁹

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.

11.

Article J¹⁰

Inviolability of archives and documents

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

12.

Article K¹¹

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 task of the observer delegation.

13.

Article L¹²

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 send-

² Corresponds to article 41.

³ Corresponds to article 42.

⁴ Corresponds to article 43.

⁵ Corresponds to article 44.

⁶ Corresponds to article 46.

⁷ Corresponds to article 48.

⁸ Corresponds to article 50.

⁹ Corresponds to article 52.

¹⁰ Corresponds to article 55.

¹¹ Corresponds to article 56.

¹² Corresponds to article 57.

ing State, its 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 task.

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.

14.

Article M¹³

Personal inviolability

The persons of the observer delegates 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.

15.

Article N¹⁴

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 delegation shall be immune from search, requisition, attachment or execution.

4. The papers, correspondence and property of the observer delegates shall likewise enjoy inviolability.

16.

Article O¹⁵

Immunity from jurisdiction

1. The observer delegates shall enjoy immunity from the criminal jurisdiction of the host State.

2. The observer delegates shall enjoy immunity from the civil and administrative jurisdiction of the host State in respect

of all acts performed in the exercise of their official functions.

3. No measures of execution may be taken in respect of an 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 his accommodation.

4. The observer delegates are not obliged to give evidence as witnesses.

5. The immunity from jurisdiction of the observer delegates does not exempt them from the jurisdiction of the sending State.

17.

Article P¹⁶

Waiver of immunity

1. The immunity from jurisdiction of the observer delegates 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.

18.

Article Q¹⁷

Exemption from social security legislation

1. The observer delegates shall, with respect to services rendered by 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.

19.

Article R¹⁸

Exemption from dues and taxes

The observer delegates 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 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;

¹³ Corresponds to article 58.

¹⁴ Corresponds to articles 53 and 59.

¹⁵ Corresponds to former alternative B of article 60.

¹⁶ Corresponds to article 61.

¹⁷ Corresponds to article 62.

¹⁸ Corresponds to article 63.

- (e) charges levied for specific services rendered;
 (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property.

20.

*Article S¹⁹**Exemption from personal services*

The host State shall exempt the observer delegates 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.

21.

*Article T²⁰**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 delegates.

2. The personal baggage of the observer delegates shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemption 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.

22.

*Article U²¹**Privileges and immunities of other persons*

1. Members of the families of observer delegates shall, if they accompany such observer delegates, 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 and immunities specified in articles M, N, O, Q and S. They shall in respect of articles imported at the time of their entry into the territory of the host State to attend the meeting of the organ or conference and exemption from dues and taxes on the emoluments they receive by reason of their employment.

23.

*Article V²²**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, observer delegates 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. 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.

24.

*Article W²³**Duration of privileges and immunities*

1. Every person entitled to privileges and immunities shall enjoy such privileges and immunities 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 he is already in its territory, from the moment when his appointment as a member of the observer delegation 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 observer delegation, immunity shall continue to subsist.

3. In the 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.

25.

*Article X²⁴**End of the functions of the observer delegates*

The functions of the observer delegates 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.

26. Mr. KEARNEY (Chairman of the Working Group) said that in the light of the discussion in the Commission, the Working Group had reviewed the structure of the draft articles on observer delegations to organs and to conferences and had reached the conclusion that, since observer delegations could consist of one or more observers, as necessary, and since their function was primarily to observe, there was no need to provide for separate diplomatic staff.

¹⁹ Corresponds to article 64.

²⁰ Corresponds to article 65.

²¹ Corresponds to article 66.

²² Corresponds to article 67.

²³ Corresponds to article 68.

²⁴ Corresponds to article 69.

27. It had also concluded that it was desirable to make provision for administrative and technical staff, such as secretarial workers, code clerks and the like, in circumstances where the facilities of permanent delegations would not be available, but that it was not necessary to provide for service staff as their functions were primarily of a house-keeping nature and no provision concerning premises had been included in the draft articles on observer delegations. Likewise no reference to private staff had been made.
28. Concerning the privileges and the immunities to which the administrative and technical staff should be entitled, the Working Group had concluded that, if the presence of such staff was authorized, the articles should specify their privileges and immunities in detail.
29. Article A contained a new paragraph (f) which read: "members of the observer delegation means the observer delegates and the members of the administrative and technical staff of the observer delegation", and was followed by a new paragraph (g) which gave a definition of administrative and technical staff in the terms used in the main set of articles.
30. Certain consequential changes had been made in article C but articles B and D remained unchanged.
31. Article E contained a new paragraph 2, which read: "It may also, if necessary, include some administrative and technical staff". That wording was designated to indicate that it was not anticipated that the observer delegation would have a large staff.
32. In article F, on notifications, a new sub-paragraph (c) had been added to cover the families of members of the observer delegation. There was also a new sub-paragraph (d) relating to the employment of persons resident in the host state.
33. Articles G and H contained no changes of any consequence.
34. Article I contained the new phrase "the members of the observer delegation" instead of the words "observer delegates".
35. There were no changes in article J.
36. Article K had been changed to make it clear that all members of the observer delegation should be entitled to freedom of movement.
37. Articles L, M and N remained substantially the same as the former articles.
38. Article O contained certain changes for the purpose of clarification, particularly in paragraph 3.
39. In article P, the reference in paragraph 1 had been broadened by the inclusion of the words "persons enjoying immunity under article U", and a minor change had been made in paragraph 5.
40. Article Q remained unchanged.
41. In article R, the Working Group had reversed the previous decision not to include a provision for the exemption of the observer delegation from dues and taxes in the host State, since it had decided that there were sound arguments for adopting the same rule as that contained in article 63.
42. Articles S and T were the same as the old articles R and S.
43. Article U, formerly article T, had undergone a number of substantial changes. Paragraph 1 now listed the specific articles which governed the privileges and immunities of the families of observer delegates. Paragraph 2 stated that the privileges and immunities of administrative and technical staff and members of their families should include the same personal inviolability, inviolability of accommodation and property, and immunity from jurisdiction as that given to members of normal delegations. They should also be entitled to exemption from customs duties on first entry.
44. Article V contained a new paragraph 2 to cover members of the administrative and technical staff who were nationals of or permanently resident in the host State.
45. Article W remained substantially the same as the old article V, although a phrase had been added at the end of paragraph 4 to cover the presence in the host State of a deceased member of the observer delegation.
46. Lastly, article X remained the same as the old article W.
47. He would particularly like to know whether the changes proposed by the Working Group in the old articles E and T met the general wishes of the Commission.
48. Mr. USHAKOV said there were a number of drafting amendments he would like to suggest.
49. First, in article E, paragraph 2, the sense of the English word "some" was not reproduced in the other language versions. More appropriate translations should therefore be found.
50. Secondly, in article N, paragraph 3, the phrase "the means of transport of the observer delegation" should read "the means of transport of the observer delegate", since the article dealt with the inviolability of his accommodation and property.
51. Thirdly, in the last sentence of article U, paragraph 2, the phrase "to attend the meeting" should be replaced by the phrase "for the purpose of attending the meeting", which was the correct expression and was used in article W. A similar mistake should be corrected in article 66, paragraph 2.
52. Fourthly, in the same paragraph, the phrase "at the time of their entry" should read, as in article 36 of the Convention on Special Missions, "at the time of their first entry".²⁵
53. Lastly, the expression "observer delegates" should, wherever possible, be put in the singular, particularly in articles M and O.

²⁵ See *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 30*, p. 103.

54. Mr. BARTOŠ said he was prepared to accept all the changes proposed by the Working Group except that relating to diplomatic staff, since it deprived the sending State of the right to decide who should be its representatives; a rule of that kind was not consonant with contemporary international practice.

55. Mr. Eustathiades had said at a previous meeting that every State was entitled to appoint as many delegates as it wished.²⁶ That was not always so. The rules or decisions of an organization or the rules of procedure of a conference might not permit the appointment of certain categories of staff.

56. He regretted that, although the text proposed by the Working Group for the set of articles was an improvement on the previous text, he would be obliged to vote against those passages which prevented the sending State from including diplomatic staff in its observer delegations.

57. Mr. EUSTATHIADES said that he found the new version of the draft articles submitted by the Working Group wholly satisfactory.

58. With regard to Mr. Bartoš's point, what he had said at a previous meeting was not that a State might appoint as many observers as it wished but that the sending State could ensure that experts of high rank were accorded the desired privileges and immunities by appointing them delegates.²⁷ If Mr. Bartoš had been thinking of the administrative staff, paragraph 2 should satisfy him on that point.

59. He agreed with Mr. Ushakov that it should be specified in article U, paragraph 2, that what was meant was the first entry into the territory of the host State.

60. Mr. ROSENNE said that he would like to place on record that he had a general reservation concerning the adoption of the present set of draft articles without more detailed study.

61. He shared to a large extent Mr. Bartoš's concern at the absence of any clear reference to diplomatic staff, particularly with regard to paragraph (f) of article A and, of course, article I.

62. Mr. Ushakov had suggested that the term "observer delegates" should be replaced by the term "observer delegate" whenever possible. Another case, in addition to those he had mentioned, was in article N, paragraph 4.

63. Mr. KEARNEY (Chairman of the Working Group) said that he wondered whether the words "*du personnel administratif et technique*", in the French version of article E, paragraph 2, had the same meaning as the English words "some administrative and technical Staff". The intention of the English text, of course, was to limit the size of the administrative and technical staff.

64. Mr. AGO said that it was absolutely necessary to have some limitative expression in article E, paragraph 2, such as the English word "some" in order to avoid being obliged to add an article on the size of the delegation—

which would be redundant in the case of observer delegations—to preserve the parallel with the corresponding article concerning delegations proper. However, since the English word "some" was virtually untranslatable, it would be better either to leave it to the language sections to find an appropriate method of expressing the notion of limitation in the other working languages, or else to change the English.

65. The CHAIRMAN said he would now invite the Commission to vote on the articles contained in the Working Group's fifth report, in succession, beginning with article A as a whole.

Article A as a whole, was adopted by 16 votes to none.

66. Mr. BARTOŠ said that although he had voted for the article as a whole, he could not approve paragraph (f) because it did not include diplomatic staff.

Article B

Article B was adopted by 16 votes to none.

Article C

Article C was adopted by 16 votes to none.

Article D

Article D was adopted by 16 votes to none.

Article E

67. The CHAIRMAN said he would put article E to the vote on the understanding that the language sections would find a suitable wording for paragraph 2 to preserve the notion of limitation, in all the working languages.

Article E was adopted by 14 votes to none, with 2 abstentions.

68. Mr. BARTOŠ said that he had abstained because he could not approve paragraph 2, for the reasons he had already given.

69. Mr. ROSENNE said that he had abstained for the same reasons as Mr. Bartoš.

Article F

Article F was adopted by 16 votes to none.

Article G

Article G was adopted by 16 votes to none.

Article H

Article H was adopted by 16 votes to none.

Article I

Article I was adopted by 16 votes to none.

Article J

Article J was adopted by 16 votes to none.

²⁶ See 1140th meeting, paras. 21 and 22.

²⁷ *Ibid.*, para. 21.

Article K

Article K was adopted by 16 votes to none.

Article L

Article L was adopted by 16 votes to none.

Article M

Article M was adopted by 16 votes to none.

Article N

70. Mr. USHAKOV suggested that, in paragraph 3, the words "the means of transport of the observer delegation" be replaced by the words "the means of transport of the observer delegate".

It was so agreed.

71. Mr. ALCÍVAR asked for a separate vote on the third sentence in paragraph 1.

The third sentence in paragraph 1 was adopted by 12 votes to 1, with 3 abstentions.

72. Mr. USHAKOV, explaining his vote, said that he had voted in favour of the sentence, although he had voted against it in the case of the premises of the mission and the delegation, because article N dealt with the accommodation of the observer delegate and the archives were not therefore concerned.

73. The CHAIRMAN put to the vote article N as a whole, as amended by Mr. Ushakov.

Article N as a whole, as amended, was adopted by 16 votes to none.

Article O

Article O was adopted by 16 votes to none.

Article P

Article P was adopted by 16 votes to none.

Article Q

Article Q was adopted by 16 votes to none.

Article R

Article R was adopted by 16 votes to none.

Article S

Article S was adopted by 16 votes to none.

Article T

Article T was adopted by 16 votes to none.

Article U

74. Mr. USHAKOV suggested that, in the last sentence of paragraph 2, the words "to attend the meeting" be

replaced by the words "for the purpose of attending the meeting", and that earlier in the same sentence the word "first" be inserted between the words "their" and "entry"; the latter change would require an identical change in article 66, paragraph 2.

It was so agreed.

75. The CHAIRMAN put to the vote article U, as amended.

Article U, as amended, was adopted by 16 votes to none.

Article V

Article V was adopted by 16 votes to none.

Article W

Article W was adopted by 16 votes to none.

Article X

Article X was adopted by 16 votes to none.

76. Mr. AGO said that the Commission should be grateful to Mr. Valencia-Espina, the Secretary of the Working Group, without whose help the Working Group would not have been able to complete its work so speedily.

77. Mr. EUSTATHIADES said he believed he was expressing the general feeling of the Commission in offering their thanks to the Working Group, particularly its Chairman, to the Chairman of the Drafting Committee, as well as to the Special Rapporteur, who had worked on the draft for so many years. He proposed that the Commission express its appreciation to the Special Rapporteur, and accordingly submitted the following draft resolution:

The Commission desires to express to the Special Rapporteur its deep appreciation of his valuable contribution over six years to the preparation of the topic by his untiring devotion and scholarly research, thereby enabling the Commission to bring to a successful conclusion the important task of completing, with this draft, the work of codification already carried out in the fields of diplomatic and consular relations and special missions.

78. Mr. CASTRÉN said he fully endorsed Mr. Eustathiades's remarks.

79. He wished to point out that, in the last part of the draft, the articles did not appear in the same order as in the other parts. That was a matter that could perhaps be put right.

The meeting rose at 1 p.m.