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Summary record of the 569th meeting

Topic:
Special missions

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relating to property rights had been changed very greatly.

55. The Commission's thanks were due to the authors of the Harvard Draft and also to the Inter-American Juridical Committee, whose observer had given an illuminating description of the views held by various American jurists. Nevertheless, for a really profound study of the foundations of state responsibility the Commission could not use the Harvard Draft as a guide. The consequences of the existence of several economic and legal systems must be taken into account, and he welcomed the Special Rapporteur's assurance that he would study new developments closely for his future texts.

56. The CHAIRMAN expressed the Commission's thanks to Professor Sohn and to Mr. Gómez Robledo for their valuable contributions to the Commission's work. The all-too-brief exchange of views prompted by their statements would undoubtedly be most useful in future discussions. It was to be hoped that when the Commission came to study the subject of state responsibility in detail, those exchanges of views would be borne in mind and also that the mutually beneficial collaboration between the Commission and the Harvard Law School and the Inter-American Juridical Committee would continue.

The meeting rose at 6.5 p.m.

569th MEETING

Wednesday, 22 June 1960, at 9.30 a.m.

Chairman: Mr. Luis PADILLA NERVO

Ad hoc diplomacy (A/CN.4/129, A/CN.4/L.87, A/CN.4/L.88, A/CN.4/L.89) *(resumed from the 567th meeting)*

[Agenda item 5]

1. The CHAIRMAN invited the Commission to consider whether article 11 *(Offices away from the seat of the mission)* of the 1958 draft was applicable to special missions.

2. Mr. SANDSTRÖM, Special Rapporteur, said that he had proposed (A/CN.4/129, paragraph 15) that article 11 should be excluded from the list of provisions applicable to special missions because the article dealt with a question affecting specifically permanent missions.

3. The CHAIRMAN said that, if there were no objection, he would take it that the Commission agreed that article 11 did not apply to special missions.

It was so agreed.

4. Mr. SANDSTRÖM, Special Rapporteur, said that article 12 *(Commencement of the functions of the head of the mission)* of the 1958 draft did not, as it stood, apply to special missions. The effective date of the commencement of the functions of the head of a permanent mission affected such matters as precedence; in the case of special missions, the date of commencement, though less important, might occasionally be of consequence.

5. He therefore proposed that, in the draft on special missions, article 12 should be mentioned as one of the provisions which could on occasion serve for special missions.

6. The CHAIRMAN said that, if there were no objection, he would take it that the Commission accepted the Special Rapporteur's proposal concerning article 12, with his explanation.

It was so agreed.

7. Mr. SANDTRÖM, Special Rapporteur, said that article 13 *(Classes of heads of mission)* of the 1958 draft was not relevant to special missions, except those sent on ceremonial occasions. He proposed that article 13 and article 14 should be dealt with in the same manner as article 12.

8. Mr. MATINE-DAFTARY pointed out that article 13 was of interest for itinerant envoys.

9. Mr. JIMÉNEZ DE ARÉCHAGA drew attention to articles 2, 3 and 4 of the Regulation of Vienna.[1] The provisions of those articles, taken together, made it clear that diplomatic officials on extraordinary missions, who were the subject of article 3, must belong to one of the three classes of heads of mission. The provisions of article 13 had therefore applied to special envoys at least since 1815.

10. Mr. SANDSTRÖM, Special Rapporteur, agreed with Mr. Jiménez de Aréchaga on that point.

11. With regard to article 14, he said that its provisions clearly concerned permanent missions, for it dealt with the question of reciprocity in the exchange of heads of mission. Special missions were of an occasional character and were not reciprocal. For those reasons, he proposed that article 14 should be dealt with in the manner which he had indicated.

12. Mr. TUNKIN said that, in practice, the two States concerned never entered into an express agreement regarding the class to which the head of a special mission was to belong. Accordingly, article 14 was not applicable to special missions; there was no reason to oblige States to enter into an agreement in advance on the class of the head of a special mission.

13. Of course, when the receiving State consented to receive the special mission, the agreement would in fact, explicitly or implicitly, include an agreement on the duration and purpose of the mission and also on its head. Article 14, however, referred to the special procedure applicable to

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[1] *Official Records of the General Assembly Thirteenth Session, Supplement No. 9* (A/3859), footnote 29.

heads of permanent missions. The agreement concerning the sending and the receiving of a special mission referred to a single mission, and it would be introducing an unnecessary complication, inconsistent with existing practice, to include article 14 among the provisions applicable to special missions.

14. Mr. MATINE-DAFTARY agreed with Mr. Tunkin. The class to which the head of a special mission belonged was not a matter of concern to the receiving State. The sending State could choose a suitable person to head a special mission, and there was no need to specify that an agreement between the two States was required on the class of the head of the mission.

15. Quite frequently, a special mission was led by a senator or some other person who was not a diplomatic agent. It would be most inconvenient to require the sending State to give the person concerned the rank of ambassador; under the law of certain countries, that rank could not be conferred upon persons who did not belong to the diplomatic service.

16. Mr. SCELLE saw no reason why article 14 should not apply to special missions. The receiving State was entitled, when consenting to receive the special mission, to insist that it should be headed by a person of a particular rank. If no objection were made by the receiving State, there would be a tacit agreement between the two States concerned regarding the class to which the head of the mission belonged.

17. Mr. ERIM, agreeing with Mr. Scelle, said that for the sake of prestige a government might insist on the head of a special mission having the rank of ambassador, for example. If the Commission decided that article 14 should not apply to special missions, the result would be that the sending State would be considered free to give any title it wished to the head of the mission. Such a system would be contrary to existing practice.

18. Mr. BARTOŠ said that in principle he agreed with Mr. Scelle. In practice, it often occurred that where a State was invited to send a special mission, the inviting State asked that it should be headed by an ambassador extraordinary or by a member of the government of the sending State. If the sending State accepted the invitation, made subject to that condition, it thereby gave its consent to the proposed class of the head of the mission. Often, too, the receiving State asked that a special mission should not be headed by the permanent ambassador of the sending State, so as to mark the fact that the mission would not deal with current business but with a special assignment.

19. The CHAIRMAN, speaking as a member of the Commission, said that the exclusion of article 14 as unsuitable for special missions would not imply that the consent of the receiving State was unnecessary in the matter of the class of the head of the mission. All that it meant was that there was no special obligation for the States concerned to enter into a separate and prior agreement concerning the class of the head of the mission. Of course, the receiving State could, when consenting to receive the mission, raise the question of the class of envoy who was to head the mission and even make its consent conditional on the head belonging to a particular class.

20. Mr. LIANG, Secretary to the Commission, agreed with Mr. Matine-Daftary and cited the concrete instances of Colonel House, of the United States, who had been sent on a special mission during the First World War; Mr. Summer Welles, when Under-Secretary of State of the United States of America, who had gone early in the Second World War on a special mission to Europe; and, towards the end of the war, Mr. Harry Hopkins, who had gone on a special mission to Moscow. From those examples, it was clear that the question of assigning a diplomatic rank to the head of a special mission did not arise.

21. Mr. JIMÉNEZ DE ARÉCHAGA pointed out that Mr. Matine-Daftary and the Secretary had spoken on the applicability of article 13, not of article 14, to special missions. He recalled that the Special Rapporteur had agreed that the terms of article 13, by virtue of the Vienna Regulation, in fact applied to special missions.

22. Under article 3 of the Vienna Regulation, it was clear that all heads of special missions, described in that article as " diplomatic officials on extraordinary missions ", held diplomatic rank. If they were not accredited as ambassadors, they would be deemed to be envoys.

23. The CHAIRMAN drew attention to the opening words of the Regulation of Vienna: " In order to avoid the difficulties which have often arisen and which might occur again by reason of claims to precedence between various diplomatic agents . . ." It was clear that questions of precedence would arise only in the case of the simultaneous reception of a number of special missions from foreign countries on such ceremonial occasions as the installation in office of a new chief of State. In those cases, the sending State would decide the rank of the head of its special mission, and precedence would depend on that rank and, as between heads of mission of the same rank, on the date on which the invitation to send a special mission had been accepted.

24. Mr. YASSEEN said that article 14 was a corollary of article 13 and that the two should be discussed together. As far as the Arab and Middle Eastern countries were concerned at any rate, it was not the existing practice to classify heads of special missions as set forth in article 13. A special mission was often headed by a cabinet minister or by a general who did not receive any special title for the purpose of his mission.

25. Mr. SANDSTRÖM, Special Rapporteur, said that he had himself once been sent on a special mission and had not been given any diplomatic class.

26. Mr. LIANG, Secretary to the Commission, said that the Regulation of Vienna did not apply in the manner suggested by Mr. Jiménez de Aréchaga. Article 3 of the Regulation made it clear that, if a special envoy was given diplomatic rank, the rules laid down in the Regulation would apply to him and that the mere fact of being sent on an extraordinary mission did not entitle a diplomatic official to any superiority of rank. The Regulation did not say that all envoys must have diplomatic rank. It was quite common for a high official of the sending State to head a special mission, and he could not see how an Under-Secretary of State, for example, could be reduced to the rank of an envoy (i.e., the second class under the Vienna Regulation) merely because he had not been formally styled an ambassador.

27. Lastly, he agreed that articles 13 and 14 could not be discussed separately.

28. Mr. SCELLE said that undue emphasis had been placed on the term " class " which was relatively unimportant in article 14. As far as the substance of the article was concerned, the important words were " shall be agreed ".

29. It would be dangerous to declare article 14 inapplicable to special mission, sfor such a decision could be construed as meaning that the essential condition of agreement did not have to be fulfilled in the case of such missions and that, therefore, the sending State could send any person it desired as head of the special mission. In fact, the consent, albeit tacit, of the receiving State was necessary.

30. Mr. TUNKIN suggested that article 14 should be considered not applicable to special missions, and that the reservations expressed by certain members should be taken into account in the drafting of the clauses relating to special missions.

31. The CHAIRMAN said that, if there were no objection, he would take it that the Commission agreed to Mr. Tunkin's suggestion.

It was so agreed.

32. Mr. SANDSTRÖM, Special Rapporteur, said that article 15 *(Precedence)* of the 1958 draft was clearly not applicable to special missions. Its provisions might, of course, serve some purpose in the case of special missions, as, for example, when a number of special missions were sent simultaneously by several countries on a ceremonial occasion. He proposed that article 15 should be dealt with in the same manner as articles 12, 13 and 14.

33. Mr. ERIM agreed that article 15, as it stood, did not apply to special missions but to permanent missions. The question of precedence for special missions, however, needed to be solved. The protocol divisions of the Ministries of Foreign Affairs in many countries had experienced difficulties in the matter of the precedence of special missions, and it might perhaps be desirable to suggest some rule on the subject in the draft on *ad hoc* diplomacy.

34. Mr. SANDSTRÖM, Special Rapporteur, said that it was impossible to lay down a uniform rule for all special missions. It was better to leave the question of the precedence of special missions to be settled by the protocol divisions concerned, which would draw upon the substance of article 13 wherever possible.

35. The CHAIRMAN said that questions of precedence arose only where a large number of special missions were sent at the same time to a single State. In the rare cases where doubts arose, they were removed by conversations between the interested parties and settled in accordance with the prevailing practice in the receiving State.

36. If there were no objection, he would take it that the Commission agreed to the Special Rapporteur's proposal concerning article 15.

It was so agreed.

37. The CHAIRMAN invited the Commission to consider whether article 16 *(Mode of reception)* of the 1958 draft should be applicable to special missions.

38. Mr. SANDSTRÖM, Special Rapporteur, said that the same considerations applied to article 16 as to article 15.

39. Mr. BARTOŠ pointed out the difficulty of establishing a uniform rule with regard to the mode of reception for special missions which varied so greatly in character. Those which were of great political importance might call for more formality. Perhaps the matter should be left to the protocol section of the Ministry of Foreign Affairs of the receiving State.

40. The CHAIRMAN, speaking as a member of the Commission, agreed that, for the reasons given by Mr. Bartoš, it was impossible to lay down a uniform rule concerning the reception of heads of special missions.

41. Mr. MATINE-DAFTARY agreed with Mr. Bartoš that the mode of reception must depend on a whole set of variable circumstances such as the state of relations between the two countries.

42. Mr. JIMÉNEZ DE ARÉCHAGA pointed out that the provision contained in article 16 in fact embodied the principle of article 5 of the Regulation of Vienna and clearly was applicable to both permanent and special missions, as could be seen from a perusal of the previous articles of that Regulation. The rule was thus well established and if the Commission decided that article 16 should not be applicable to special missions, its decision might be interpreted to mean that discrimination in the mode of reception of heads of special missions was permissible.

43. The CHAIRMAN, speaking as a member of the Commission, pointed out that article 16 dealt with the presentation of credentials, a procedure not normally observed in the case of heads of special missions. He therefore continued to think that the mode of reception of special missions should be settled by the States concerned.

44. Mr. BARTOŠ observed that article 16 did involve certain issues of substance which also arose under section II. The important point was that there must be no discrimination.

45. Mr. SANDSTRÖM, Special Rapporteur, suggested that the intention of article 16 should be taken into account in the general formula to be embodied in the clauses concerning special missions.

It was so agreed.

46. The CHAIRMAN invited the Commission to consider whether article 17 *(Chargés d'affaires ad interim)* of the 1958 draft was applicable to special missions.

47. Mr. SANDSTRÖM, Special Rapporteur, explained that although article 17 might not be considered as directly applicable as it stood, the principle on which it was based was applicable to special missions but the manner of its application would depend greatly on circumstances.

48. The CHAIRMAN, speaking as a member of the Commission, said that in practice the head of a special mission would rarely vacate his post or be unable to perform his functions. In any event, he doubted whether it would be appropriate to stipulate that the head of a special mission should be replaced by a chargé d'affaires ad interim in such a contingency, and it would not be necessary to require the sending State to notify the receiving State when a member of a special mission already empowered to carry on the negotiations and accepted by the receiving State acted as head of the mission.

49. Mr. LIANG, Secretary to the Commission, confirmed that the terminology used in article 17 applied solely to permanent missions, though circumstances similar to those provided for in the article might arise in the case of special missions.

50. Mr. JIMÉNEZ DE ARÉCHAGA observed that article 17 as drafted could not be applicable to special missions for it would oblige the sending State to appoint a chargé d'affaires ad interim if the head of the mission was unable to perform his functions. He considered, however, that drafted in permissive terms the article could and should be made applicable to special missions in order to allow the replacement of a principal negotiator.

51. Mr. TUNKIN considered that the legal position of special missions was entirely different. If the head of a permanent mission either absented himself or was unable to perform his functions, the affairs of the mission would be conducted by a chargé d'affaires ad interim, no new *agrément* being necessary for the purpose, though of course the receiving State was entitled to raise objections to a particular person acting in that capacity. If, on the other hand, the head of a special mission was to be replaced, the consent of the receiving State to the replacement would be required.

52. Mr. SANDSTRÖM, Special Rapporteur, said that if the Commission could devise a formula indicating which principles rather than which specific articles of the 1958 draft were applicable to special missions — since the wording was not always appropriate — there would be no difficulty in reaching a decision on article 17.

53. Mr. MATINE-DAFTARY emphasized the difference, both in law and in practice, between permanent and special missions. The functioning of a permanent mission must not be interrupted for a moment, either by sickness, absence or any other reason. A special mission, however, could suspend and then resume its work and there might not be any need to replace a head who for a time could not perform his functions. It was quite impossible to establish a rigid uniform rule for special missions since everything depended on the circumstances.

54. Mr. BARTOŠ also stressed the difference between the position of permanent missions and that of special missions. Often, the personal standing of the head of mission was the preponderant consideration in the case of a special mission and representation by the person concerned was a condition *sine qua non*. For example, if an interstate conference of ministers was convened, and a minister heading the mission was unable to perform his functions, it was very difficult indeed for some other official to take his place among the cabinet ministers of other States. Furthermore, in practice the members of a special mission did not have the same powers as the head of the mission. It was usual in the full powers of a special mission to enumerate the members of the mission authorized to negotiate and, after empowering the head of mission to sign any acts emerging from the conference, to designate his alternate by name. By contrast, if the head of a permanent mission was unable to perform his functions, the transfer of the conduct of the mission's affairs to a chargé d'affaires ad interim was automatic.

55. He considered that article 17 should not be applicable to special missions. It might, however, be stated in the commentary that in the eventuality contemplated the alternate of the head of a special mission should act on behalf of the head of mission in so far as the nature of the conference permitted, if the other participants in the conference agreed and within the limits of the alternate's authority.

56. The CHAIRMAN noted that the consensus of the Commission was that article 17 of the 1958 draft imposed no obligations concerning the manner of replacing the head of a special mission and that the official ranking immediately below the head of mission could not — if he did not have full powers — be automatically presumed to take over the conduct of the affairs of the mission. He suggested that the article should be regarded as inapplicable to special missions.

It was so agreed.

57. Mr. SANDSTRÖM, Special Rapporteur, said that, in his opinion, article 18 *(Use of flag and emblem)* of the 1958 draft should apply to special

missions. The main point of the article was obviously the use of the flag and emblem of the sending State on the means of transport of the head of the mission; there seemed to be no reason to deny that facility to the heads of at least some special missions, particularly those which were primarily ceremonial.

58. The CHAIRMAN suggested that article 18 of the 1958 draft should be applicable to special missions.

It was so agreed.

59. Mr. SANDSTRÖM, Special Rapporteur, recalling his original proposal that four of the articles in section II of the 1958 draft should be held not to be applicable to special missions (A/CN.4/129, paragraphs 23 and 24), said that he had reconsidered his earlier position in the light of comments made in the Commission and now recommended that the whole of sections II, III and IV of that draft should be applicable to special missions (A/CN.4/L.89, draft new article 2). Since privileges and immunities were granted by reason of the functions performed, and since the functions of both permanent and special diplomatic missions were analogous, the provisions in question should be applicable to both. The only question that might give rise to some doubt was that of including among the persons eligible for the benefit of diplomatic privileges and immunities the families of members of special missions; he thought, however, that the extension of those privileges and immunities to those persons was justified by the functions performed by the officials concerned, and in that opinion he was supported by the Havana Convention of 1928 regarding Diplomatic Officers, which extended the privileges and immunities to the families of members of special missions.

60. Mr. TUNKIN said that his acceptance of the principle that the provisions of sections II, III and IV were applicable to special missions should not be held to mean that he had no criticisms to make concerning specific articles of those sections.

61. Mr. JIMÉNEZ DE ARÉCHAGA asked whether, in the light of certain views expressed in his (the speaker's) memorandum (A/CN.4/L.88, paragraph 19), the Special Rapporteur would consider including a specific provision concerning the termination of special missions in article 41 *(Modes of termination)* of the 1958 draft. Alternatively, the point might be raised at a later stage.

62. Mr. SANDSTRÖM, Special Rapporteur, said that for the purpose of its application to special missions, he had contemplated replacing article 41 (*a*) by a provision to the effect that a special mission would be terminated when it had carried out the task assigned to it. On further consideration, however, he had decided that it would be enough merely to render article 41 applicable to special missions, since the enumeration in that article was not exhaustive and covered the self-evident fact that a special mission came to an end when its task was accomplished.

63. The CHAIRMAN observed that the Commission seemed to agree that sections II, III and IV of the 1958 draft were applicable to special missions.

64. Mr. ERIM said that, in the light of the Commission's discussions, some of the articles of the 1958 draft which were regarded as applicable to special missions would have to be changed considerably for the purpose of being so applicable. Accordingly, the Special Rapporteur might consider altering the wording of his new article 2 by inserting after the phrase " the provisions of sections II, III and IV " the words " except as otherwise expressly provided in this convention ".

65. Mr. PAL thought that the point raised by Mr. Erim was one of drafting rather than of substance.

66. Mr. JIMÉNEZ DE ARÉCHAGA suggested that some provision might be included in the text concerning the termination of a special mission by reason of the termination of its functions (*cf.* A/CN.4/L.87, proposed sub-paragraph (*d*) for article 41). The only precedent in the matter was the Havana Convention of 1928 regarding Diplomatic Officers, article 25 of which contained a specific provision to that effect. He did not think that article 41 (*a*) of the 1958 draft quite covered the point.

67. Mr. PAL drew attention to the danger of altering one article when the Special Rapporteur had already agreed that sections II, III and IV were applicable to special missions. Moreover, Mr. Jiménez de Aréchaga's point was adequately covered by the words " *inter alia* " in the introductory part of article 41.

68. Mr. JIMÉNEZ DE ARÉCHAGA replied that he had not suggested an amendment of article 41, but merely that the point should be covered in the special chapter on *ad hoc* diplomacy.

69. Mr. PAL considered that that procedure would still carry the danger of including in the chapter on *ad hoc* diplomacy an extension of one article which was contained in a section already recognized as applicable to special missions.

70. Mr. TUNKIN supported Mr. Pal's views. The article did not deserve special mention in the section on *ad hoc* diplomacy, and the question of the termination of special missions was a simple matter which raised no controversy in practice. Furthermore, article 41 in its present form was broad enough to cover the question.

71. Mr. SANDSTRÖM, Special Rapporteur, said that, if the Commission referred the sections concerned to the Drafting Committee, he would raise the question in the Committee, giving the argument for and against.

72. The CHAIRMAN suggested that the Com-

mission should forward sections II, III and IV of the 1958 draft to the Drafting Committee for the purpose of settling the text applicable to *ad hoc* diplomacy.

It was so agreed.

73. Mr. TUNKIN said that he had thought at one time that section V of the 1958 draft might also be rendered applicable to special missions. On reflection, however, he had decided that the question of the applicability of section V to special missions probably did not arise. He therefore withdrew his suggestion.

74. Mr. SANDSTRÖM, Special Rapporteur, observed that, since the clauses on *ad hoc* diplomacy were to be contained in the same document as the draft on diplomatic intercourse and immunities, sections V and VI would constitute general clauses referring to all parts of the convention, and would thus apply to special and permanent missions alike. Thus, the draft would consist of a chapter on permanent missions, a chapter on special missions and a final chapter consisting of sections V and VI.

The meeting rose at 12.5 p.m.

570th MEETING

Thursday, 23 June 1960, at 9.30 a.m.

Chairman: Mr. Luis PADILLA NERVO

Consular intercourse and immunities (A/CN.4/131) *(resumed from the 564th meeting)*

[Agenda item 2]

PROVISIONAL DRAFT ARTICLES (A/CN.4/L.90)

Consular intercourse and immunities (item 2 of the agenda) (A/CN.4/131, A/CN.4/L.86, A/CN.4/L.90) *(resumed from the 564th meeting)*

PROVISIONAL DRAFT ARTICLES

1. The CHAIRMAN asked the Chairman of the Drafting Committee to introduce the provisional draft articles relating to consular intercourse and immunities (A/CN.4/L.90) which had been prepared by the Drafting Committee.

2. Mr. YOKOTA, Chairman of the Drafting Committee, said that the document contained all the provisional draft articles relating to career consuls; the draft provisions concerning honorary consuls would be submitted later.

3. Only one point deserved special mention. During the debate on article 20, some members had been in favour of amalgamating (529th meeting, paras. 9 and 11) that article with article 18 as adopted at the previous session (A/CN.4/L.86), in which the unacceptability of a member of the consular staff was rendered conditional on conduct giving serious grounds for complaint. The Special Rapporteur had been against such amalgamation and the question of the possibility of such amalgamation had therefore been referred to the Drafting Committee (*ibid.*, para. 26). Opinion had been divided in the Committee on the criterion of conduct giving serious grounds for complaint, and it had therefore been decided to refer the question back to the Commission.

4. The CHAIRMAN thought that the Commission might begin its consideration of the provisional draft articles with article 20, on which the Drafting Committee's opinion had been divided.

5. Mr. ŽOUREK, Special Rapporteur, felt that the Commission would be wasting a lot of time if it discussed the substance of article 20 and might be obliged to alter the entire structure of the draft. There was no need to settle the problem at the current session, and it would be better to await the comments of governments on the matter.

6. Mr. TUNKIN and Mr. YOKOTA thought that the provisional draft articles should be discussed one by one.

7. Mr. EDMONDS said that the Commission should decide what kind of report it was going to submit. It had already departed from its normal practice of first commenting on and submitting amendments to the Special Rapporteur's texts, voting on the amendments and articles and then forwarding the texts to the Drafting Committee for improvement of the wording, but not for decision on matters of substance. In the present case, it had voted on only one or two articles, and many of them had been referred to the Drafting Committee when there had been considerable differences of opinion. In those circumstances, the text before the Commission was the Special Rapporteur's draft with changes made by the Drafting Committee; it was not a text reflecting the considered opinion of members of the Commission. Accordingly, unless the Commission now voted on every article, the report should clearly state that the articles had not been adopted by the majority, but were the Special Rapporteur's text as altered by the Drafting Committee in the light of the views expressed by some, but not a majority, of the members. In several cases, the differences of opinion expressed in the debate were so great that the Drafting Committee could not possibly reconcile them.

8. The CHAIRMAN considered that, even when no vote had been taken, the Drafting Committee had in most cases been given guidance reflecting the opinion of the majority. Naturally, if there were disagreement on the text of any particular provision, that provision would be put to the vote. He appealed to members who objected to some of the clauses either to submit specific amendments or to confine themselves to explaining