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Summary record of the 882nd meeting

Topic:
Special missions

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In fact, reciprocity was relevant to all rules of international law. If a State committed a breach of a rule of international law, the State injured by that breach could retaliate in kind. The rule of reciprocity thus had the effect of a sanction.

49. The CHAIRMAN said that if there were no objection he would assume that the Commission agreed to adopt the Special Rapporteur's proposal.

It was so decided.

50. The CHAIRMAN invited the Special Rapporteur to introduce his fifth general question: the relationship of the draft on special missions with other international agreements.

51. Mr. BARTOŠ, Special Rapporteur, drew attention to paragraphs 16 to 20 of chapter II of his report. In a comment received after he had written the report (A/CN.4/188/Add.1), the United Kingdom Government had stated that there would be advantage in adding to the draft articles a provision dealing with their relationship to other international agreements. Thus four governments in all had advocated the inclusion of a provision of that kind and no contrary view had been expressed either in the Sixth Committee of the General Assembly or in the written comments. The Commission might therefore include in the draft an article similar to article 73 of the Vienna Convention on Consular Relations.

52. Mr. TUNKIN said it would be difficult at that stage to take a decision on the relationship between the draft articles and international agreements in force. He therefore proposed that the decision be postponed until the Commission had adopted all the draft articles on special missions.

53. He did not believe it would be advisable to include a provision on the lines of article 73 of the Vienna Convention on Consular Relations; that article was unsatisfactory and he was convinced that it would remain a dead letter.

54. Mr. BRIGGS agreed that article 73 of the 1963 Vienna Convention was unsatisfactory.

55. He believed that the Commission could adopt the various draft articles on special missions without taking any decision at that stage on the desirability of including an article on their relationship with existing international agreements.

56. Mr. ROSENNE said he agreed with Mr. Tunkin and Mr. Briggs.

57. Mr. TSURUOKA said it seemed to him that the point had already been settled in the draft articles on the law of treaties,⁵ which laid down rules concerning the relationship between different treaties, including *inter se* agreements. In settling the Special Rapporteur's question, the Commission should accordingly be guided by what it had already done in its work on the law of treaties.

58. Mr. BARTOŠ, Special Rapporteur, suggested that he should draft a trial article on the relationship with other international agreements; the Commission should come to a decision when that text was before it.

⁵ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 9, pp. 10 et seq.*

59. Mr. CASTRÉN supported the Special Rapporteur's proposal. Like several other speakers, he thought it would be better not to take article 73 of the Vienna Convention on Consular Relations as a model, as that article had been much criticized since its adoption.

60. The CHAIRMAN said that, if there were no objection, he would assume that the Commission agreed to adopt the Special Rapporteur's proposal.

It was so decided.

61. The CHAIRMAN announced that he had received a letter from Mr. Elias expressing regret that his official duties prevented him from attending the session. He requested the Secretariat to write to Mr. Elias on behalf of the Commission to thank him for his letter.

The meeting rose at 1 p.m.

882nd MEETING

Friday, 1 July 1966, at 11 a.m.

Chairman: Mr. Mustafa Kamil YASSEEN

Later: Mr. Herbert W. BRIGGS.

Present: Mr. Ago, Mr. Amado, Mr. Bartoš, Mr. Castrén, Mr. Jiménez de Aréchaga, Mr. Paredes, Mr. Rosenne, Mr. Ruda, Mr. Tsuruoka, Mr. Tunkin, Mr. Verdross, Sir Humphrey Waldoock.

Special Missions

(A/CN.4/188 and Add.1 and 2, A/CN.4/189 and Add.1 and 2)

(continued)

[Item 2 of the agenda]

1. The CHAIRMAN invited the Commission to consider the next of the preliminary questions raised by the Special Rapporteur in his third report, namely, the form of the instrument relating to special missions (A/CN.4/189, chapter II, section 6).

2. Mr. BARTOŠ, Special Rapporteur, said that of the governments which had expressed their views on the subject, either in the Sixth Committee of the General Assembly or in written comments, only the Netherlands Government had advocated a code,¹ just as it had done in the case of the draft on the law of treaties.

3. In comments received recently (A/CN.4/188/Add.1 and 2), the United Kingdom and Austrian Governments appeared to favour a convention, though they had omitted to specify whether it should be a separate instrument or be attached to an existing convention.

4. He interpreted the reservation made by the Government of Israel (A/CN.4/188) as relating rather to the procedure or machinery for adopting the instrument than to the form it should take.

¹ *Official Records of the General Assembly, Twentieth Session, Sixth Committee, 847th meeting, para. 7.*

5. In the light of the opinions expressed by governments, he would advise the Commission to prepare draft articles and submit them to the General Assembly, with the recommendation that they be put into the form of a convention, either by the Assembly itself or by a body appointed by it.

6. With regard to the relationship between that convention and the Vienna Convention on Diplomatic Relations, he thought that the terminological unity of the series of instruments on diplomatic law should be maintained, though that did not necessarily mean that the draft should ultimately be annexed to the Vienna Convention.

7. Mr. ROSENNE said he agreed with the Special Rapporteur's conclusion in chapter II, paragraph 34 of his report, with the minor reservation that not only the 1961 Vienna Convention on Diplomatic Relations, but also the 1963 Vienna Convention on Consular Relations should be taken into account.

8. He confirmed the Special Rapporteur's interpretation of his statement in the Sixth Committee as representative of Israel and of the Israel Government's written comments: the reservation expressed related not to the form of the instrument, but to the procedure for its adoption. The question of that procedure was perhaps not the direct concern of the Commission, though it should not be ignored when the Commission considered its final recommendations to the General Assembly.

9. Mr. CASTRÉN said that, during the preliminary discussion on the subject, he had expressed the opinion that the Commission should frame rules to be embodied in a separate convention on special missions and should not regard those rules as merely complementary to the Convention on Diplomatic Relations, although in formulating them it should bear in mind the provisions of that Convention and, where appropriate, those of the Convention on Consular Relations.² He still held to that opinion, which had been strengthened by the virtually unanimous comments of governments and by the Special Rapporteur's recommendations in his report and in his oral statement.

10. Mr. BARTOŠ, Special Rapporteur, said that the Commission had sometimes appeared reluctant to refer to the Convention on Consular Relations, but he considered that the two Vienna Conventions were complementary and that the instrument on special missions would form, as it were, the third leaf of a triptych.

11. The CHAIRMAN said that, if there were no objection, he would assume that the Commission agreed to adopt the Special Rapporteur's proposal that it should prepare draft articles intended to form a convention.

It was so decided.

12. The CHAIRMAN invited the Special Rapporteur to introduce the next question raised in chapter II of his report: the body which should adopt the instrument relating to special missions.

13. Mr. BARTOŠ, Special Rapporteur, drew attention to the opinions mentioned in his report. The Austrian delegation to the Sixth Committee had expressed the hope that the instrument on special missions would be adopted at Vienna, which implied that the Austrian Government thought the instrument should be adopted by a plenipotentiary conference.

14. He had learned during informal conversations that the Government of Israel regarded a plenipotentiary conference as an unduly expensive means of settling questions which were of secondary importance as compared with the subject matter of the two Vienna Conventions, and would prefer a less elaborate and more economical procedure.

15. Personally, he would suggest that the instrument be adopted by a conference held on the occasion of a session of the General Assembly, beginning, say, two weeks before the opening of the session and continuing for one week after it. Several international conventions had been drawn up in that way, and it would be less expensive for the United Nations and for States than a plenipotentiary conference held independently of the General Assembly. It might also be the best means of ensuring that all States would be represented and would send to the conference representatives with sufficient knowledge of the legal and technical aspects of the subject. On the other hand, he was rather opposed to the idea of entrusting the preparation and adoption of the instrument to the Sixth Committee of the General Assembly, for experience had shown that that method tended to prolong the debates to such an extent that questions were sometimes adjourned until the next session.

Mr. Briggs, First Vice-Chairman, took the Chair.

16. Mr. ROSENNE said that, in his oral explanations, the Special Rapporteur had given a well-balanced account of the various problems involved. He could confirm what the Special Rapporteur had said about the thought underlying his own remarks as representative of Israel in the Sixth Committee.

17. It would be premature to discuss the date of a possible conference at that stage and still less its duration. He therefore suggested that no decision be taken on the matter for the time being; when the Commission had completed its examination of the draft articles on special missions, it could decide what recommendations to make to the General Assembly. Meanwhile, perhaps the Secretariat could be asked to prepare a paper on the problems of organizing a conference on special missions, on the lines of its paper concerning a conference on the law of treaties.³

18. Mr. TUNKIN said that in principle he supported the Special Rapporteur's suggestion. The Commission could proceed on the assumption that a diplomatic conference would be convened to deal with the articles on special missions.

19. As there were few established rules of general international law in the matter the topic of special missions was rather complicated, so it could hardly be entrusted to the Sixth Committee in its final stages. He

² *Yearbook of the International Law Commission, 1964, vol. I, p. 17.*

³ Document ILC(XVIII) msc.1.

agreed with Mr. Rosenne, however, that it was too early to go into the question of arrangements for a conference; that was a matter which should be considered, in accordance with the Commission's custom, when the final report on the topic was being drawn up.

Mr. Yasseen resumed the Chair.

20. Mr. BRIGGS said that chapter II, section 7 of the Special Rapporteur's report appeared to be based on the assumption that the draft articles on special missions would become a draft convention. Article 23, paragraph 1, of the Commission's statute empowered it to recommend the General Assembly "To recommend the draft to Members with a view to the conclusion of a convention" or "To convoke a conference to conclude a convention". It would accordingly be for the General Assembly to take a final decision on the matter, though he saw no harm in the Commission's discussing what body should adopt the instrument relating to special missions.

21. Mr. BARTOŠ, Special Rapporteur, said he had prepared his third report on the assumption that, in view of the decision taken at the last session,⁴ the Commission would complete the draft on special missions at its eighteenth session. Since it now appeared that it would be unable to do so, he proposed that the Commission take note of the comments by governments on the question under discussion and defer its decision until the draft had been completed.

22. The CHAIRMAN said that, if there were no objections, he would assume that the Commission agreed to adopt the Special Rapporteur's proposal.

It was so decided.

23. The CHAIRMAN invited the Special Rapporteur to introduce the next question raised in chapter II of his report, namely, that of a preamble to the draft articles.

24. Mr. BARTOŠ, Special Rapporteur, said he had considered it his duty to mention the question of a preamble in his report, because the Yugoslav Government had raised it. It was not the Commission's usual practice to provide its drafts with a preamble, since it considered that that task should be left to the conference drawing up the convention. The Yugoslav Government's comments on the definition of a special mission and the difference between special missions and permanent diplomatic missions (A/CN.4/188) could be taken into account in the body of the draft.

25. Mr. CASTRÉN said that the definition of a special mission would be more appropriately placed in the introductory article, a draft of which the Special Rapporteur had submitted in chapter IV of his report (A/CN.4/189/Add.1). On the other hand, it might be advisable to stress the differences between special missions and permanent diplomatic missions in a preamble, which might also deal with some other general questions. But it was still too early to decide whether a preamble should be included, let alone what its exact contents should be. As a rule, the diplomatic conference convened to adopt a convention was responsible for preparing the text of a preamble if it found one necessary, but the

Commission could also submit suggestions or recommendations on the subject if it saw fit.

26. Mr. AGO said he did not think the Commission's practice of not providing a preamble to its drafts should become a fixed principle. In any case, where the draft on special missions was concerned, a decision on the matter would have to be deferred until the draft had been completed. In view of the relationship between the draft and the two Vienna Conventions, the Commission might then consider it advisable to attach a draft preamble.

27. The CHAIRMAN, speaking as a member of the Commission, said he shared Mr. Ago's view, especially as the preamble formed part of a treaty and was taken into account in interpreting it. In examining the draft on special missions, and also the draft on the law of treaties, the Commission should consider the possibility of bringing out certain points in a preamble. In any event, it should not consider itself bound by its former practice and should not exclude in advance the possibility of introducing a preamble.

28. Mr. BARTOŠ said that, as Special Rapporteur, he had considered himself bound by a kind of precedent the Commission had established, of leaving the drafting of the preamble to those who were to establish and authenticate the text.

29. As a member of the Commission and as a jurist, he believed that the Commission had sometimes been mistaken in omitting to draft a preamble, for it was in the preamble that the ideas embodied in an instrument could be thrown into relief. He was also prepared to recognize that when it was left to the body responsible for establishing and authenticating the text to pronounce on the underlying ideas, too much latitude was sometimes given to people who had an insufficient grasp of the system on which the draft was based. The Commission should therefore review its practice, not only with regard to the draft on special missions, but perhaps even with regard to the draft on the law of treaties, which was of outstanding legal importance, since it introduced entirely new elements into international life.

30. If the Commission decided to draft a preamble to the articles on special missions, it should perhaps bring out the relationship between those articles and the Vienna Conventions on Diplomatic Relations and Consular Relations.

31. As a member of the Commission, he proposed that the question be left in abeyance for the time being and that on reverting to it the Commission should consider the advisability of changing its practice.

32. Mr. TUNKIN said he supported Mr. Ago's suggestion. It might be well for the Commission to reconsider its views on preambles to the drafts it prepared. In the present instance, the Special Rapporteur might be asked to draft a preamble to the future convention; the Commission could then decide whether to include it.

33. He did not wish to discuss the question whether a preamble should be prepared for the draft articles on the law of treaties, but the Commission might give the matter some thought, for there was one problem of great importance which could be dealt with in a preamble, namely, the relationship of the articles to the

⁴ Document A/CN.4/184, para. 14.

customary rules of international law in force. At the 1961 Vienna Conference the Swiss representative had proposed a special provision, which had been introduced into the preamble, safeguarding the application of the rules of customary international law.⁵ In the case of the draft articles on special missions, as the Commission was familiar with all the implications of the draft articles it had prepared, it might usefully devote some attention to the problem of a preamble.

34. Mr. ROSENNE said that he was in agreement with Mr. Ago, Mr. Tunkin and the Chairman. Moreover, he was convinced that a careful examination of the Commission's records would show that its practice in the matter of preambles was not quite so clear-cut as it was sometimes made out to be. For instance, a preamble to the draft articles on consular relations had been prepared by the Special Rapporteur; it had been amended by the Drafting Committee and printed in the commentary introducing the draft.⁶

35. He was quite sure that where there were real legal elements that could not be appropriately expressed in the form of rules and were not purely descriptive, like the article on definitions, it was highly desirable that the Commission should draw attention to those elements in an appropriate form in its report.

36. Mr. BARTOŠ, Special Rapporteur, said that if the Commission instructed him to draft a preamble, as Mr. Tunkin had suggested, it would not be departing from precedent. The case was not the same as that of the Vienna Conventions, when the Commission had been anxious that the drafts should not be coloured by the views of its members and had preferred to let the politicians pronounce on relations between States. There had been some question of drafting a preamble to the Convention on the Law of the Sea, but the idea had been abandoned when the draft was divided into five parts.

37. The CHAIRMAN proposed that the Commission defer its decision on the matter until it had completed the draft articles.

It was so decided.

38. The CHAIRMAN invited the Commission to consider the arrangement of the articles, discussed in chapter II, Section 9 of the report.

39. Mr. BARTOŠ, Special Rapporteur, said that the Commission had decided to revise the general arrangement of the articles, but only when it had completed its work on the draft. The Governments of Israel, Belgium and Finland had made suggestions to that effect, while the Belgian delegation had proposed a new order. In his opinion, however, the arrangement of the articles could not be settled until they were in final form, and it was too soon to take a decision at that stage.

40. The CHAIRMAN proposed that the decision on the arrangement of the articles be postponed.

It was so decided.

41. The CHAIRMAN invited the Commission to consider Chapter V of the Special Rapporteur's third report: Draft provisions concerning so-called high-level special missions (A/CN.4/189/Add. 1).

42. Mr. BARTOŠ, Special Rapporteur, said he had submitted the draft provisions concerning so-called high-level special missions at the seventeenth session. The Commission had not discussed them, but had asked governments whether they considered that special rules should or should not be drafted for so-called high-level special missions whose heads held high office in their States.

43. The comments submitted by governments in answer to that inquiry and the observations made by various delegations in the Sixth Committee were analysed in his report. The Government of Malta was in favour of drafting rules on high-level missions (A/CN.4/189/Add.2), but most States considered them neither necessary nor useful and had given the Commission no encouragement to introduce them into its draft. His provisional conclusion, therefore, was that that chapter should be dropped.

44. Mr. CASTRÉN said that a preliminary examination of the question would be useful, as the Commission had not yet had time to consider it and the comments by governments showed rather varied reactions. The Special Rapporteur needed to know the views of members of the Commission in order to be able to continue his work one way or the other.

45. It should no doubt be recognized that so-called high-level special missions could not be treated in the same way as normal special missions in every respect. The rules concerning their legal status must also differ. Even if the Swedish Government's view were accepted, that special treatment was already required by the international status of the heads of high-level special missions, it might be advisable to specify the necessary derogations from the general rules on special missions. On the other hand, it might be argued that if the Commission formulated special provisions for one category of special missions, namely those led by a Head of State or holder of some other high office, it might also have to distinguish between other special missions, according to their tasks and other circumstances.

46. At the end of his report, the Special Rapporteur had noted that States had given the Commission no encouragement to introduce rules concerning high-level special missions into its draft articles. It was true that three governments had adopted a completely negative attitude, but four others had supported the Special Rapporteur's idea and suggested amendments to the proposed rules. He associated himself with those four and wished to submit some specific comments.

47. He doubted whether sub-paragraph (a) in each of rules 2 to 4 was necessary, since the matter it dealt with could always be settled during the negotiations which preceded the sending of the special mission concerned. The same applied to rule 6.

48. Under rules 4 and 5, a special mission led by a Minister for Foreign Affairs or by another cabinet minister might be composed of, or include, members of the minister's personal suite, who were to be treated as

⁵ United Nations Conference on Diplomatic Intercourse and Immunities, *Official Records*, vol. II, p. 82.

⁶ *Yearbook of the International Law Commission, 1961*, vol. II, p. 92.

diplomatic staff. But there was no corresponding provision in rule 3, which related to special missions led by a Head of Government.

49. As the Czechoslovak Government had pointed out, it seemed that the rules could be abridged and considerably simplified. Rules 2 to 5 contained mainly similar provisions and could be combined in a single rule which would list the exceptions, mentioning the kind of special mission, according to its head, which was contemplated in each case.

50. The simplest solution might be merely to supplement various articles of the draft on special missions, where necessary, by adding separate rules on high-level special missions, or on some of them, or by stating that the provisions in question were not applicable to such missions.

51. Mr. RUDA pointed out that the draft provisions concerning high-level special missions had been annexed to the Commission's report on the first part of its seventeenth session, but had not been discussed by the Commission. It seemed premature to take a decision, especially as the comments by governments were far from unanimous. The rules should be examined at the next session, when it could be decided what action to take on them.

52. Mr. VERDROSS said that he had supported the Special Rapporteur's proposal during the first reading. The discussion at the previous meeting on the distinction between the different kinds of special missions had convinced him that a distinction must be made between the two categories, especially where privileges were concerned.

53. Mr. AGO said that on the whole he was against referring to a difference in the level of missions. Once two kinds of mission were distinguished, some missions being placed on a high level while others were not, problems of protocol and even of prestige would immediately arise in regard to missions relegated to the second category. Nevertheless, in certain articles the Commission could probably take account of the case of a special mission led by a Head of State or Head of Government. That would be one way of getting round the difficulty.

54. The CHAIRMAN, speaking as a member of the Commission, said that during the past year he had come round to a rather different view and now thought it might be better not to deal in the draft with special missions led by Heads of State and perhaps not even with those led by Heads of Government, for the simple reason that such special missions were always arranged bilaterally. It was improbable that a Head of State would go to another country without all the details of his visit being settled in advance. Such visits were the subject of special arrangements which could perhaps be excluded from the field of special missions envisaged by the Commission in its draft.

55. Mr. JIMÉNEZ de ARÉCHAGA said he agreed with the Chairman, not only for practical reasons, but because the matter of the privileges and immunities of Heads of State lay outside the general subject of the codification of diplomatic law. The Special Rapporteur should be asked to consider the matter in the light of the

comments made by governments and by members of the Commission.

56. Mr. TSURUOKA said it would be better not to deal in the draft with so-called high-level special missions as such. Sending a Head of State to another State involved a number of emotional factors, such as national feeling on both sides and the degree of friendship between the two States; the question of prestige also had some bearing, and above all, differences between the constitutions of the two countries could cause difficulties. The Head of State might be an elected president, a king or an emperor and that factor would strongly influence the decision of a government regarding a journey abroad. Of course, the matter could be covered by a rule of law, but in the light of diplomatic experience it seemed that too many emotional factors were involved. And even if the Commission did not adopt any rules on the subject, diplomatic relations were not likely to suffer unduly.

57. Mr. AMADO said that in the Sixth Committee he had expressed the cautious opinion that a special chapter might be included, giving high-level missions separate treatment. He now wished to retract that tentative view and to support those members of the Commission who had spoken against the inclusion of such provisions in the draft, because in practice they might lead to complications and even to complaints by some Heads of State that they had not been received with as much ceremony as others.

58. Moreover, the Commission's task was to codify existing rules, to interpret reality and to see that its rules conformed to contemporary thinking. That was how it could fill the gaps and advance international law.

59. Mr. CASTRÉN said there seem to be fairly strong opposition in the Commission to the draft provisions on high-level special missions. He nevertheless supported Mr. Ruda's suggestion that no decision should be taken for the time being, since a decision must depend on the final content of the principal rules on special missions. In drafting the articles, however, the Special Rapporteur could take account of the special cases in which missions were led by a Head of State—a way out which he (Mr. Castren) had already suggested.⁷

60. Mr. TUNKIN said that, while he appreciated the difficulties which would confront the Commission if it tried to formulate rules on the subject, he fully agreed that at that juncture it was inadvisable to decide what action should be taken in the future. It would be necessary to give the draft articles on special missions a second reading, and during that reading, or after it, the Commission would be in a much better position to decide finally whether or not to include any provisions on high-level special missions.

61. Mr. AGO said that one of Mr. Amado's remarks had made him reflect on a question to which the Commission should probably pay some attention, namely, the relationship between high-level special missions led by a Head of State and the principle of non-discrimination which the Commission had thought of including in its draft. That principle could, of course, be applied to normal special missions, but it would be difficult to

⁷ Para. 50 above.

apply to visits by Heads of State: it was impossible to stipulate that the same honours should be given and the same facilities granted to all. The Commission should bear that point in mind when it reverted to the article on non-discrimination.

The meeting rose at 12.50 p.m.

883rd MEETING

Monday, 4 July 1966, at 3 p.m.

Chairman: Mr. Mustafa Kamil YASSEEN
later, Mr. Herbert W. BRIGGS

Present: Mr. Ago, Mr. Amado, Mr. Bartoš, Mr. Castrén, Mr. El-Erian, Mr. Jiménez de Aréchaga, Mr. Paredes, Mr. Pessou, Mr. Reuter, Mr. Rosenne, Mr. Ruda, Mr. Tsuruoka, Mr. Tunkin, Mr. Verdross, Sir Humphrey Waldoock.

Special Missions

(A/CN.4/188 and Add. 1 and 2, A/CN.4/189 and Add. 1 and 2)

(continued)

[Item 2 of the agenda]

1. The CHAIRMAN invited the Special Rapporteur to sum up the discussion on his draft provisions concerning so-called high-level special missions (A/CN.4/189/Add.1).
2. Mr. BARTOŠ, Special Rapporteur, said that most questions relating to high-level special missions were already governed by the rules of courtesy and, usually, by an *ad hoc* agreement between the sending State and the receiving State. Nevertheless, there could be cases in which a mission led by a Head of State or other eminent person was governed neither by the rules of protocol for official visits, nor by the rules on special missions, nor by an *ad hoc* agreement between the sending State and the receiving State. It would therefore be useful to lay down rules on the subject. But governments were not agreed on the minimum level of such missions: should the term "high-level" cover only missions led by a Head of State or Head of Government or should it also include missions led by a Minister or even, for instance, a Chief of Staff?
3. There could be no doubt that for missions led by a Head of State rules of general international law already existed, so that there was no need to lay down any special rules. Nevertheless, the comment by the Government of Upper Volta (A/CN.4/188) was quite pertinent: through a desire to enjoy full freedom of movement, a Head of State visiting a foreign country sometimes caused grave anxiety to the services responsible for his safety. But private visits by Heads of State, which were obviously outside the scope of the topic being studied by the Commission, should not be confused with official visits by Heads of State, which were covered by general rules of international law, often confirmed by bilateral

agreements between the States concerned, or with special missions led by Heads of State. Official visits were often combined with special missions; the head and members of such missions had a dual legal status, and in addition to the rules of protocol applicable to such visits, all the guarantees relating to special missions should be applied to them.

4. He thought the best method to adopt would be that suggested by Mr. Castrén,¹ namely, to add special provisions on so-called high-level missions to individual articles of the draft where it appeared necessary. For example, a paragraph could be added to article 17 stipulating that Heads of State or Heads of Government leading a special mission should also enjoy the guarantees, privileges and immunities established by custom and by general public international law or provided for by bilateral agreement between the States concerned.

5. He therefore proposed that the Commission instruct him to add provisions on high-level missions to the draft articles where necessary.

6. The CHAIRMAN said that, if there were no objections, he would assume that the Commission agreed to adopt the Special Rapporteur's proposal.

It was so decided.

7. Mr. BARTOŠ, Special Rapporteur, drew attention to the question of an introductory article which he had dealt with in chapter IV of his report (A/CN.4/189/Add.1). From the theoretical point of view, he was rather against including definitions in the texts of conventions, because they were apt to be dangerous; but he recognized that the English and American system, already adopted for many conventions and followed by the Commission in most of its drafts, limited the danger by laying down a practical definition for the purposes of the convention, and consequently did not commit the drafters from the theoretical viewpoint.

8. Many delegations to the General Assembly had advocated the inclusion of an introductory article containing definitions. Some had expressed the view that the terminology of the two Vienna Conventions should be followed as closely as possible, whereas the representative of Jordan had said that only the Vienna Convention on Diplomatic Relations should be taken as a guide.

9. He did not quite understand the purport of the comment of the Afghan representative, who had proposed that "a standard terminology of international law" should be adopted in formulating the rules.

10. The Government of Israel had raised two questions in its comments: the inclusion of definitions and the possibility of making cross-references to the Vienna Convention on Diplomatic Relations.

11. He had prepared a draft introductory article which kept as closely as possible to the phraseology used in the Vienna Convention on Diplomatic Relations. The initial proviso "For the purposes of the present articles" kept the scope of the proposed definitions within narrow limits. In paragraphs (a) to (r), he had defined the terms most frequently used in the draft which it had seemed to him useful to define.

¹ Previous meeting, para. 50.