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Summary record of the 935th meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1967, vol. I

before reparation. In Russian, the expressions corresponding to "imputation of the wrongful act" and "imputation of responsibility" belonged to the terminology of criminal law; he was not sure that they could be used in international law.

84. Mr. EUSTATHIADES said that in two passages —in paragraph 4 of the note and in paragraph 5 of the extract from the report of the Sub-Committee which it contained—attention was drawn to the need to pay "careful attention... to the possible repercussions which new developments in international law may have had on responsibility", but he did not see which of the items on the programme that remark applied to. As far as the programme as a whole was concerned, he thought it would take several years to carry out, for it covered an extremely wide field. For instance, the question of the responsibility of legislative, administrative and judicial organs, referred to in paragraph (2) of the first point of the outline programme, could form the subject of a convention by itself. Consequently, he wondered whether it would not be possible to leave certain questions aside for the time being and deal with them separately later on. It would be very difficult to consider so many important problems simultaneously.

85. Referring to a question which Mr. Tammes had also raised, he said that in his view it would be preferable to use some expression other than "active subject" which did not correspond to the complex character of the topic. The expression meant subjects capable of setting in motion the process of imputing the international responsibility of States. In that connexion he wished to draw attention to the need for considering the procedures for imputing responsibility. That was a matter which belonged to the topic of responsibility and would have to be studied by the Commission, otherwise its work on the codification of international responsibility would be incomplete.

86. Lastly, the programme contained no reference to the important question of the exhaustion of internal remedies, which was not in all cases associated solely with the rules of procedure for imputing responsibility; it might affect the actual substance of responsibility.

87. Mr. NAGENDRA SINGH expressed his satisfaction with the proposed outline programme as a basis for the Commission's work. In view of its great importance for both developing and developed countries, the topic should be dealt with in all its aspects. If the Commission could bring about the adoption of a convention on State responsibility, it would be making a great contribution to the establishment of the rule of law in the international community.

88. Mr. KEARNEY said he considered that the outline programme represented a reasonable organization of efforts to codify the topic of State responsibility. An attempt to define general problems from the outset had much to recommend it; State responsibility was as broad a general subject as could be found in international law and was hard to reduce to a few well-ordered rules.

89. He had a few general comments to make on the programme in document A/CN.4/196. In the first place, the distinction between objective and subjective elements in paragraph (2) of the first point seemed to be an unduly psychological approach to the definition of a wrongful act. Secondly, it was difficult to distinguish, as was done in paragraph (3), between wrongful acts arising from conduct alone and those arising from events. He agreed with Mr. Eustathiades's views on the problem of the exhaustion of local remedies. On the other hand, he was not sure that Mr. Ushakov's idea of dealing with sanction first was the logical approach, for sanction was the result of a wrongful act; it was probably wiser to begin by defining an international wrongful act and to deal later with such consequential and procedural questions as sanction. Finally, references to the procedural aspects of responsibility were scattered throughout the programme; the Special Rapporteur might consider whether procedure could not be dealt with in a separate section of the draft.

90. Mr. CASTAÑEDA said he fully approved of the proposed programme of work. He welcomed the decision to make a distinction between the problem of international responsibility and the problem of determining the obligations a breach of which might involve responsibility. The adoption of that procedure would enable the Commission to overcome the difficulty confronting it. Once the general rules of responsibility had been established, the Commission could deal with the matters arising from them.

The meeting rose at 1 p.m.

935th MEETING

Thursday, 6 July 1967, at 3 p.m.

Chairman: Sir Humphrey WALDOCK

Present: Mr. Ago, Mr Bartoš, Mr. Castrén, Mr. Eustathiades, Mr. Ignacio-Pinto, Mr. Kearney, Mr. Nagendra Singh, Mr. Ramangasoavina, Mr. Tabibi, Mr. Tammes, Mr. Ushakov, Mr. Ustor, Mr. Yasseen.

State Responsibility
(A/CN.4/196)
(continued)

[Item 3 of the agenda]

1. The CHAIRMAN invited the Commission to continue its discussion of item 3 of the agenda.

2. Mr. USTOR said that State responsibility was a topical subject, for with the development of international society, international delinquencies had not disappeared, but on the contrary were to be witnessed every day. In deciding to depart from the approach adopted by the previous Special Rapporteur and to explore the possibility of finding general criteria for codifying the topic, the Commission had adopted a satisfactory solution, both

from the theoretical and from the practical point of view. Nevertheless, it was clear that when the Commission had avoided the Scylla of an approach fraught with political implications, it had met with the Charybdis of an enormous number of highly complex theoretical problems; for instance: whether *culpa* or *dolus* were necessary for the establishment of responsibility, or in what cases the results alone would give rise to responsibility; what were the boundaries of objective responsibility; and whether the intention or motive underlying certain acts played a part in the establishment of responsibility and the duty to make reparation. Moreover, the point raised by Mr. Ushakov, that of the nature of legal interest, or who had *locus standi* in cases of international delinquency and in what cases there should be something in international law similar to *actio publica* in Roman law, was a burning question, especially in the light of the *South West Africa* cases. The Commission had made a wise choice in appointing Mr. Ago as Special Rapporteur, and could have every confidence in his capacity to deal with the difficult problems that arose.

3. Mr. IGNACIO-PINTO said he fully approved of the programme proposed by Mr. Ago and believed that the new approach to the problem would make it possible to codify the international law on State responsibility.

4. Mr. AGO, Special Rapporteur, said he wished to reply to the very interesting comments made at the 934th meeting.

5. In the first place, referring to Mr. Tammes's suggestion that account should be taken not only of "passive subjects" of responsibility but also of "active subjects", he thought that it might be preferable to speak, not of "active subjects of responsibility" but of "subjects entitled to assert the responsibility of States", which were referred to in several places in the report, for instance in connexion with sanctions.

6. Mr. Ushakov had asked whether, in considering the possibility of sanction, the possibility of a public action could be accepted in international law. Had the time come to draw away from the classical idea that the only subject of law entitled to assert the responsibility of a State was the person injured and to recognize that there might be exceptional cases in which the international community as such was entitled to assert that responsibility? He thought that that was a very important question and should be taken into consideration in preparing the draft convention.

7. Mr. Tammes had raised the question of collective responsibility. Did collective responsibility arise in consequence of a collective wrongful act or was there a series of individual responsibilities arising from a series of individual wrongful acts? That question, too, should be gone into thoroughly, as it was important both from the point of view of conduct and imputation and from that of the consequences, in other words the responsibility itself.

8. Referring to Mr. Ushakov's proposal that the order of the forms of international responsibility should be reversed and that sanction should be mentioned before reparation, he said that in the enumeration in his note he had followed the usual order. Everything depended on one's ideas on the relationship between sanction and reparation. According to Kelsen, sanction was the normal consequence of responsibility and reparation was merely an offer made by the guilty subject of law in order to avoid the sanction. According to that line of reasoning, sanction should precede reparation. Other writers, however, held that reparation was not a substitute for sanction, but the perfectly normal consequence of a wrongful act. The Commission should study that question and pay particular attention to international practice when working out the theory of it.

9. Mr. Kearney had expressed some doubt about the distinction between the subjective and objective elements of the wrongful act. Those terms were, of course, only used for guidance in the report: they would not appear in a draft of articles. Its clauses would deal with certain kinds of conduct, certain kinds of violation and the imputation of responsibility for such violations to a subject of international law. The difference between a wrongful act arising from conduct and a wrongful act arising from events could be illustrated by the following examples: if a State violated the territorial sea of another State, it committed an international delinquency of conduct; if a State failed to fulfil the international obligation to protect the embassy of a foreign country, especially during disturbances, there would be a wrongful act only if the embassy was attacked, and it was that which led to the idea of a wrongful act arising from events.

10. The question of exhausting internal remedies raised by Mr. Eustathiades was in his (Mr. Ago's) opinion related to the origin of responsibility. It was, therefore, a question of substance, not of procedure. It was not mentioned in the programme of work for the simple reason that, essentially, the rules relating to that question applied only to acts injuring private individuals. But it would be dealt with in connexion with the responsibility of the State for acts committed by its organs.

11. With regard to questions relating to the procedure in cases of responsibility, it would be preferable for the time being to consider only the general rules of international responsibility. A decision on their inclusion in the draft convention could be taken during the second stage of the work.

12. In conclusion, he said it was difficult to give an opinion on the scope of the topic at that stage. It would be better to proceed pragmatically and to decide as the work progressed whether the topic ought to be dealt with in a succession of reports and, if so, how that should be done.

13. The CHAIRMAN, speaking as a member of the Commission, said he had been most interested in the suggestions made during the debate, particularly those concerning the possibility of taking public action to secure observance of international law. That problem raised extremely delicate questions, as had been shown by the *Corfu Channel* case[1] in 1947, when an argument of the United Kingdom before the International Court of Justice on those lines had proved unsuccessful.

14. Speaking as Chairman, he pointed out that the Commission had always adhered to the principle that,

[1] *I.C.J. Reports, 1949*, p. 4.

although it was necessary to give a Special Rapporteur general directives, it was unwise to bind him too strictly in advance. Experience had shown that, even in the case of subjects with which members were quite familiar, close examination of draft articles brought out points that had not been fully appreciated before. He was sure that when Mr. Ago came to prepare his report, he would find it necessary to make certain departures from the order and substance of the outline programme drawn up by the Sub-Committee on State Responsibility. He suggested that the Commission should confirm Mr. Ago's appointment as Special Rapporteur on State responsibility and endorse the general outline of the directives he had been given in 1963, wishing him success in a very arduous and important task, the accomplishment of which would make a major contribution, not only to the science of international law, but also to the foundations of international peace.

The Chairman's suggestion was adopted unanimously.

Special Missions

(A/CN.4/193 and Addenda; A/CN.4/194 and Addenda)

(resumed from the previous meeting)

[Item 1 of the agenda]

Question of Derogation from the Provisions of the Articles

15. The CHAIRMAN invited the Special Rapporteur to introduce the text of the article on derogation which was to be submitted to the Drafting Committee. In his own opinion, it would be more expedient for the Drafting Committee to consider the proposals and to make recommendations to the Commission, before the Commission discussed them in detail, but the Special Rapporteur might wish to seek guidance before that course was taken.

16. Mr. BARTOŠ, Special Rapporteur, said that in light of the Commission's discussions he had prepared for the Drafting Committee, to replace articles 17 *bis* and "X" (A/CN.4/194/Add. 2), a draft article "Z" reading:

"*Derogation from the provisions of the present articles*"

"1. The parties to the present draft articles may not derogate from the provisions of articles...

"2. Derogations from any other provisions of the present draft may be made only by express agreement between the parties which intend to derogate from them and shall have effect only between those parties."

17. For the time being, he proposed to mention, in paragraph 1, articles 1, 2 and 3—all of which would probably have other numbers in the final draft—and the Commission might perhaps wish to add some others.

18. Mr. YASSEEN said that since article "Z" had been prepared for the Drafting Committee on the basis of guidance given by the Commission, it had better be considered by the Drafting Committee first.

19. Mr. USHAKOV said he did not think the Commission had decided to include an article such as article "Z" in its draft.

20. It was already laid down in article 40 *bis*, paragraph 2(*b*), that States parties to the future convention might extend to each other, by custom or agreement, more favourable treatment than was required by the provisions of the articles. And under paragraph 2(*c*), States could agree among themselves to reduce reciprocally the extent of the facilities, privileges and immunities for their special missions. Consequently, either article "Z" merely repeated what was said elsewhere and was unnecessary, or its effect was to extend to draft articles other than those concerning facilities, privileges and immunities the right to make derogations in the narrow sense, in which case it conflicted with article 40 *bis*, paragraph 2 (*c*).

21. The CHAIRMAN agreed that there might be some advantage in asking the Drafting Committee to examine the proposed article in conjunction with the provisions to which it related. Nevertheless, the discussion would give the Drafting Committee some guidance for formulating its proposals, and it would probably be wise to refer the text to the Committee forthwith.

22. Mr. KEARNEY pointed out that the Commission had never taken any decision on the principle of including derogation clauses in the draft. It should be borne in mind that the Vienna Conventions contained no such clauses.

23. The CHAIRMAN said that certain views had been expressed during the debate which made it necessary for the Drafting Committee to consider the proposed article. The decision whether or not to include derogation clauses would depend on the enumeration of the articles from which no derogation was permitted; moreover, the Special Rapporteur's wishes should be respected.

24. Mr. YASSEEN said that the Commission could not discuss article "Z" until the blank in paragraph 1 had been filled in. He himself did not rule out in advance the possibility that the convention might lay down both rules of *jus cogens* and certain rules of *jus dispositivum* from which the parties would agree that they could not derogate.

25. Mr. BARTOŠ, Special Rapporteur, reminded the Commission that his original intention had been to draft a convention, the provisions of which would have contained firm commitments by the parties; his idea had been that possibilities of derogation would have been the exception and would always have been stated expressly, article by article. But at its eighteenth session, in view of the comments submitted by Governments, the Commission had decided that "the provisions of the draft articles on special missions could not in principle constitute rules from which the parties would be unable to derogate by mutual agreement".[2] That decision had been approved by the General Assembly.

26. At the present session the members of the Commission would have noted that the texts of a large number of articles of the draft—about two-thirds of them—contained a clause such as "unless otherwise agreed" or "in the absence of any special agreement". Following a suggestion

[2] *Yearbook of the International Law Commission, 1966*, vol. II, document A/6309/Rev.1, Part II, para. 60.

by Mr. Reuter,[3] the Commission had considered that it would be better to delete that proviso from the articles in which it stood and replace it by a general article stating that, with very few exceptions, the provisions would be open to derogation by agreement between the parties. As a jurist, he had little liking for that solution, which left much uncertainty, but it would be difficult to turn back at that stage. He greatly hoped, therefore, that the Commission would give an opinion on the basic principle of article "Z" and that, if it decided to include such an article in the draft, it would help the Special Rapporteur to fill in the blank in paragraph 1, in other words, to decide which articles could not be derogated from by the parties.

27. He wished to point out that some of the Governments which, in the General Assembly or in their written comments, had opposed the idea that the convention on special missions should contain provisions from which derogations *inter se* were not permissible, seemed to have given the term *jus cogens* a meaning different from that which the Commission had intended to give it in its draft on the law of treaties.

28. Mr. EUSTATHIADES said he did not wish to enter into the controversy about *jus cogens*, but he was firmly convinced that a provision such as article "X" or article "Z" had no place in an international convention. The Commission would do better to delete that provision at once, and replace it with an article giving the parties the right to make reservations to certain articles. The Commission might also indicate by an express clause in certain articles that the régime established admitted of other arrangements or could be modified by the parties *inter se*.

29. The CHAIRMAN said that he himself was not anxious to have a derogation clause in the draft, but he understood the Special Rapporteur's wish that the Commission should consider the question of providing that certain articles were beyond any possibility of derogation. The Commission might not adopt such a clause, but it could not take a final decision without knowing which articles of the draft would be involved.

30. Mr. CASTRÉN agreed with the Chairman. He had been opposed to article "X", but the Special Rapporteur had already withdrawn that article. The Commission could hardly take a decision on the proposed new article "Z" because it was not complete. To save time, the Commission should ask the Drafting Committee to consider whether the draft should or should not contain a provision replacing article "X".

31. Mr. BARTOŠ, Special Rapporteur, replying to Mr. Eustathiades, observed that in the case-law of the International Court of Justice the question of reservations had become very complicated.

32. Mr. USHAKOV said that, at the previous session, the Commission had decided to provide in several cases for the possibility of derogating by special agreement from the rules set out in the draft articles.[4] As the Special Rapporteur had since put that decision into effect, article "X", now article "Z", was unnecessary.

33. Mr. YASSEEN said that, also at the eighteenth session, the Commission had made provision for the possibility of derogating by agreement from a treaty, provided that the derogation was neither incompatible with a rule of *jus cogens* nor expressly or impliedly prohibited by the treaty itself.[5] Consequently, an article such as article "Z" could not be accepted or rejected until all the rules in the draft had been examined.

34. In his opinion the draft articles on special missions did not contain rules of *jus cogens* in the strict sense. The question was whether they nevertheless contained some rules from which no derogation should be permitted.

35. Mr. AGO said he thought article "Z" was based on the idea that there might be peremptory clauses in the draft, although personally he doubted it. The notion of a peremptory rule or rule of *jus cogens* had two aspects: first, the rule did not admit of derogation and any treaty conflicting with that principle was void; secondly, it must be materially possible to derogate from the rule. There were certain rules in the present draft from which it was not materially possible to contemplate derogation, but which were not consequently rules of *jus cogens*. One example was the rule that a special mission was sent by one State to another State with that State's consent; it would be illogical to say that the latter State could give its consent to a special mission's being sent to it without its consent.

36. The notion of *jus cogens* was, moreover, very restricted, and depended on the practice of States. It varied with the period and with the political and social conditions prevailing in the international community. Hence it would be a mistake to decide in advance that certain rules in the draft were rules of *jus cogens*. In any case, where derogation from a rule was possible by special agreement, there was no need to say so. Consequently, article "Z" was superfluous.

37. Mr. BARTOŠ, Special Rapporteur, observed that he had never used the term "*jus cogens*" in connexion with draft articles on a topic to which the notion was foreign. Be that as it might, if the Commission decided to omit article "Z", the proviso "unless specially agreed" would have to be reintroduced into a great many provisions.

38. Mr. AGO said that, in his opinion, that was not necessary.

39. The CHAIRMAN suggested that article "Z" be referred to the Drafting Committee, on the understanding that the Commission had not taken any decision on the principle of including a derogation clause.

It was so agreed.[6]

[3] See 923rd meeting, para. 23.

[4] *Yearbook of the International Law Commission, 1966*, vol. II, *loc. cit.*

[5] *Ibid.*, following para. 38.

[6] On the recommendation of the Drafting Committee, it was subsequently decided to delete article "X" (and thus article "Z"). See 937th meeting, para. 81.

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE (*resumed from the previous meeting*)

ARTICLE 20 (Inviolability of archives and documents) [26] [7]

40. The CHAIRMAN put to the vote article 20 which the Commission had already approved in principle.

Article 20 was adopted unanimously.

ARTICLE 21 (Freedom of movement) [27][8]

41. The CHAIRMAN drew attention to a change in the English text of article 21, which had been approved in principle by the Commission. The Drafting Committee had decided to replace the words "freedom of movement and travel on its territory to the extent that this is necessary for the performance of the functions of the special mission" by the words "such freedom of movement and travel on its territory as is necessary for the performance of the functions of the special mission".

Article 21, as amended, was adopted unanimously.

ARTICLE 22 (Freedom of communication) [28][9]

42. The CHAIRMAN invited the Commission to consider the text of article 22 proposed by the Drafting Committee. The text which the Commission had approved in principle at the 931st meeting had not been changed; the Drafting Committee had considered the proposal to insert the adjective "permanent" before "diplomatic missions" in the second sentence of paragraph 1, but had decided not to recommend that addition.

43. Mr. AGO, Acting Chairman of the Drafting Committee, said that besides the permanent diplomatic mission there might be other missions of a diplomatic character, which would not necessarily be permanent missions. The difficulty might perhaps be overcome by amending the passage to read: "In communication with the government and with the permanent diplomatic mission, consular posts and the other special missions of the sending State...".

44. Mr. BARTOŠ, Special Rapporteur, drew attention to the definitions in sub-paragraphs (*b*) and (*c*) of the preliminary article[10] and said he considered it preferable to retain the expression "diplomatic missions", which covered the various kinds of mission of a diplomatic character.

45. Mr. AGO said he thought that the system of definitions proposed by the Special Rapporteur (A/CN.4/194/Add.2, article O) had the defect of confining the term "permanent diplomatic mission" to the mission accredited to a State, to the exclusion of other diplomatic missions which were equally permanent.

46. Furthermore, the plural, "diplomatic missions", used in article 22, paragraph 1 was dangerous because it might be taken to refer to the diplomatic missions of States other than the sending State.

47. The CHAIRMAN said that the Special Rapporteur had pointed out, during the earlier discussions on article 22, that a special mission might well need to communicate with the permanent diplomatic missions of the sending State in countries other than the receiving State.

48. Mr. KEARNEY said he would not favour any alteration of the language used in the opening phrase of the second sentence of paragraph 1; the text as it stood made it perfectly clear that the reference was to the diplomatic missions and consular posts of the sending State.

49. Mr. YASSEEN agreed with Mr. Ago; it should be specified in the text that only missions of the sending State were meant.

50. Mr. AGO proposed that the passage in question should read "In communicating with the government of the sending State, its diplomatic missions, its consular posts and its other special missions". That wording would also prevent any confusion between the sending State and the receiving State.

51. Mr. USHAKOV, while acknowledging that Mr. Ago's proposal was an improvement, pointed out that the corresponding provision (article 27, paragraph 1) of the Vienna Convention on Diplomatic Relations was much less elaborate.

52. The CHAIRMAN invited the Commission to vote on article 22, the beginning of the second sentence of paragraph 1 being amended as proposed by Mr. Ago.

Article 22 was adopted with that amendment.

ARTICLE 23 (Exemption of the premises of the special mission from taxation) [24][11]

53. The CHAIRMAN said that the Drafting Committee proposed a slight change in the English text of article 23 which the Commission had already approved in principle. In paragraph 1, the words "acting on its behalf" should be replaced by "acting on behalf of the mission".

54. Mr. AGO, Acting Chairman of the Drafting Committee, said that the Committee proposed two changes in the article. First it proposed a new title: "Exemption of the premises of the special mission from taxation"; and, secondly, the adoption in paragraph 1 of the words "in respect of the premises occupied by the special mission", instead of "in respect of the premises of the special mission".

55. The CHAIRMAN put article 23 to the vote with the amendments proposed by the Drafting Committee and the change in the English text he had mentioned.

Article 23 was adopted unanimously with those amendments.

[7] For earlier discussion, see 931st meeting, paras. 22-24.

[8] For earlier discussion, see 931st meeting, paras. 25-27.

[9] For earlier discussion, see 931st meeting, paras. 28-40.

[10] For the text of the preliminary article, see 937th meeting, para. 7.

[11] For earlier discussion, see 931st meeting, paras. 41-55.

[12] For earlier discussion, see 931st meeting, paras. 56-58.

ARTICLE 24 (Personal inviolability) [29][1][2]

56. The CHAIRMAN said that no changes were proposed in the text of article 24 which the Commission had already approved in principle.

Article 24 was adopted unanimously.

ARTICLE 25 (Inviolability of the private accommodation) [30][13]

57. The CHAIRMAN invited the Commission to consider article 25. During the previous discussion he had suggested that in the English text of paragraph 2 the words "subject to the proviso in article 26, paragraph 4", should be replaced by "except as provided in article 26, paragraph 4", to bring the wording into line with the corresponding provision of the 1961 Vienna Convention.

Article 25, as thus amended, was adopted unanimously.

58. Mr. KEARNEY pointed out that the provisions of article 25 were governed by those of article 19, which dealt with the inviolability of the premises of the special mission, and which the Commission had not yet finally adopted. When the Commission came to vote on article 19, he intended to propose[14] that the text be amended so as to bring it into line with that of the corresponding provision of the 1963 Vienna Convention on Consular Relations. If the Commission amended article 19 in that manner, the operation of article 25 would be affected.

59. The CHAIRMAN said he had taken note of that remark, which did not affect the actual wording of article 25.

The meeting rose at 5.30 p.m.

[13] For earlier discussion, see 931st meeting, paras. 59-63.

[14] See 936th meeting, para. 12.

936th MEETING

Monday, 10 July 1967, at 3.15 p.m.

Chairman: Sir Humprey WALDOCK

Present: Mr. Ago, Mr. Bartoš, Mr. Castañeda, Mr. Castrén, Mr. Eustathiades, Mr. Ignacio-Pinto, Mr. Jiménez de Aréchaga, Mr. Kearney, Mr. Nagendra Singh, Mr. Reuter, Mr. Tabibi, Mr. Tammes, Mr. Ushakov, Mr. Ustor, Mr. Yasseen.

Special Missions

(A/CN.4/193 and Addenda; A/CN.4/194 and Addenda)

(continued)

[Item 1 of the agenda]

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE *(continued)*

1. The CHAIRMAN invited the Commission to undertake a final examination of articles 12 to 14, 17 to 19, and 26 to 31 proposed by the Drafting Committee.

ARTICLE 12 (End of the functions of a special mission) [20][1]

2. The CHAIRMAN put article 12 to the vote.

Article 12 was adopted unanimously.

ARTICLE 13 (Seat of the special mission) [17][2]

3. The CHAIRMAN said that the word "upon" should be deleted from the English text of paragraph 1 of article 13.

4. Mr. EUSTATHIADES said it was his understanding that the Commission had decided to replace the word "*localité*" in paragraph 2 of the French text by the word "*ville*".

5. Mr. USHAKOV explained that the Drafting Committee had preferred to keep the word "*localité*", which was used in article 12 of the Vienna Convention on Diplomatic Relations.

6. The CHAIRMAN put to the vote article 13, without amendment, except for the deletion of the word "upon" in the English text of paragraph 1.

Article 13 was adopted unanimously.

ARTICLE 14 (Nationality of the members of the special mission) [10][3]

7. The CHAIRMAN drew attention to the fact that the opening word in paragraph 2 should read: "Nationals".

Article 14 was adopted by 14 votes to none, with 1 abstention.

8. Mr. EUSTATHIADES said that he had abstained because of the retention of the words "which may be withdrawn at any time" in paragraph 2. He had explained his views on that point at the 907th meeting.[4]

ARTICLE 17 (General facilities) [22][5]

9. The CHAIRMAN put article 17 to the vote.

Article 17 was adopted unanimously.

ARTICLE 18 (Accommodation of the special mission and its members) [23][6]

10. The CHAIRMAN said that when the Commission had approved article 18 in principle, it had been decided that the words "in obtaining the necessary premises and suitable accommodation" in the English text should be amended to read: "in procuring the necessary premises and obtaining suitable accommodation".

Article 18, with that amendment to the English text, was adopted unanimously.

[1] For earlier discussion, see 931st meeting, paras. 64-67.

[2] For earlier discussion, see 931st meeting, paras. 68-77.

[3] For earlier discussion, see 931st meeting, paras. 78-84.

[4] Para. 67.

[5] For earlier discussion, see 930th meeting, paras. 113-115.

[6] For earlier discussion, see 930th meeting, paras. 116-121.