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Summary record of the 383rd meeting

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383rd MEETING

Wednesday, 24 April 1957, at 9.45 a.m.

Chairman: Mr. Jaroslav ZOUREK.

Statement by Mr. Tunkin

1. Mr. TUNKIN expressed his profound regret that the legal system of the great People's Republic of China was not represented on the Commission. He was aware of the fact that the Commission was unable to correct the situation when China, although a Great Power and a Member of the United Nations, was not represented there; but he thought it proper to remind the members of the Commission before they started their work of that grave injustice to the Chinese people and flagrant violation of international law.

2. He believed that most of the members of the Commission would share his hope that the time was near when representatives of the great modern China would be welcomed by all the organs of the United Nations, and the sooner that happened the better for international relations in general and for the international law the Commission had to deal with.

3. The CHAIRMAN, speaking as a member of the Commission, recalled that he had already drawn attention at previous sessions, and in 1955 in particular, to the fact that the legal system of the People's Republic of China was not represented on the Commission. At the time, he had expressed the hope that the next elections to the Commission would ensure representation of the legal system of that great nation. He deeply regretted that his hope had not been fulfilled, and was convinced that the Commission would not be properly constituted, in accordance with article 8 of its Statute, until representation of the civilization and legal system of the People's Republic of China was provided by the electing of a candidate nominated by the Central People's Government of the People's Republic of China.

4. Sir Gerald FITZMAURICE said that, without wishing to enter into a controversy, he would point out that all members of the Commission were appointed in their personal capacity.

5. The CHAIRMAN said that the Commission took note of Mr. Tunkin's statement.

Diplomatic intercourse and immunities (A/CN.4/91, A/CN.4/98)

[Agenda item 3]

6. The CHAIRMAN suggested that the Commission hold a general debate on the draft for the codification of the law relating to diplomatic intercourse and immunities (A/CN.4/91) submitted by the Special Rapporteur, Mr. Sandström, without going into questions of drafting.

It was so agreed.

GENERAL DEBATE

7. Mr. SANDSTRÖM, Special Rapporteur, introducing his report (A/CN.4/91), recalled that the Commission, which had had the codification of diplomatic intercourse and immunities on its list of topics from the outset, had been requested in General Assembly resolution 685 (VII) to undertake the codification of the topic as soon as possible and to treat it as a priority topic. Various amendments had been proposed to the Yugoslav draft resolution,[1] on which the General Assembly resolution was based, including one that the scope of the draft should be extended to include the right of asylum. The fact that the Sixth Committee of the General Assembly had rejected that amendment[2] suggested, however, that it regarded the right of asylum, though in some ways connected with diplomatic intercourse and immunities, as a separate subject to be dealt with under the general question of asylum.

8. In preparing his draft, he had been able to draw on a wealth of documentation, including international conventions, national laws, draft regulations prepared by scientific institutes and scholars, and numerous theoretical studies. The collection of laws and regulations in course of preparation by the Secretariat had proved particularly valuable. Perhaps the most comprehensive text was the Convention regarding Diplomatic Officers adopted at Havana on 20 February 1928, to which he would have occasion to refer when considering the various articles of his draft.

9. Sir Gerald FITZMAURICE thought he perceived a certain difference in emphasis between the Special Rapporteur's commentary and the articles of his draft. The draft itself plunged *in medias res* without attempting to set out the theoretical aspects of the diplomatic function. The commentary, on the other hand, contained a very interesting discussion of those aspects, which, incidentally, were also thoroughly dealt with in the excellent memorandum prepared by the Secretariat on the codification of the international law relating to diplomatic intercourse and immunities (A/CN.4/98).

10. It would be useful, however, to include at the beginning, either of the draft or of the part dealing with privileges and immunities, an article setting out the view of the Commission—if it were possible to arrive at a common view—as to the basis of the diplomatic function. The Special Rapporteur described the various theories on the subject—the exterritoriality theory, the dignity or sovereignty theory, the representational theory, and the theory of functional necessity—and pointed out that all had been subject to criticism; but he came to no conclusion as to their respective merits, although, to judge from paragraph 22 of his commentary (A/CN.4/91), he seemed to imply that the functional theory was the most satisfactory. He himself would like to go further and say that it was the correct one. The theory of exterritoriality would not bear close examination, and the other opinions were open to serious criticism. The functional theory, on the other hand, though it had been criticized, was very near to the truth, for the simple reason that, in the last analysis, it was impossible for a diplomatic agent to carry out his duties unless accorded certain immunities and privileges.

11. It might also be useful to include a definition of the diplomatic function, which might be said to consist of two elements: the more obvious representational element and another element, often misunderstood, which was that of keeping the Government of the sending State accurately informed of any matters in the receiving country which might be of interest. It being essential for Governments to have sources of information other than the newspapers, the transmission of proper information was a very important function of all diplomatic missions,

[1] See *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 58, document A/C.6/L.248.

[2] *Ibid.*, document A/2252.

and one which they were intended to carry out. Naturally, such a definition of the diplomatic function would have some bearing on the conception of the functions and privileges of diplomatic agents. He did not wish to make any definite proposal for the moment, but would be grateful if the Special Rapporteur would consider the two points he had mentioned.

12. Mr. YOKOTA pointed out that, under General Assembly resolution 685 (VII), the Commission's task was to ascertain existing principles and rules and recognized practice among States with regard to diplomatic intercourse and immunities; and the best way to ascertain them was to examine the contents of treaties, multilateral or bilateral, and recognized practice.

13. Like the Special Rapporteur, he was not greatly concerned with theories, such as those of exterritoriality or of functional necessity. They did no more than attempt to explain positive rules and principles already in existence, and were largely of academic interest. In any case, widely divergent views were held as to the theoretical basis of the diplomatic function. He would prefer the draft articles to begin by stating the positive rules of law.

14. Mr. LIANG (Secretary to the Commission) explained that the collection of laws and regulations relating to diplomatic and consular intercourse and immunities, referred to by the Special Rapporteur, existed only in draft form. Only two copies were available, and those had been placed at the disposal of the two Special Rapporteurs concerned. The collection, which was still incomplete, would probably be published in 1958 as part of the *Legislative Series*.

15. The memorandum on the codification of the international law relating to diplomatic intercourse and privileges (A/CN.4/98), though issued in 1956, had been prepared by the Secretariat soon after the Commission had decided to place the topic on its agenda. Since the collection of laws and regulations was still far from complete at that time, the memorandum was based largely on theory and such documents as were then available.

16. Mr. BARTOS said that the excellent draft codification produced by the Special Rapporteur (A/CN.4/91) was in itself sufficient evidence of the existence of a body of general rules of positive law. His criterion in marshalling the rich collection of material ripe for codification had clearly been to formulate rules of practical significance. Every rule in the draft was derived not from rational law but from day-to-day diplomatic reality. Consequently, the draft, with some reservations, could be put to practical use, and embodied in a convention or other appropriate instrument.

17. Since the First World War, a new form of diplomatic activity—roving or *ad hoc* diplomacy—and emerged, and, partly owing to the establishment of the League of Nations and the United Nations, had assumed such proportions that there was now no problem that could not be handled by such special envoys. The Special Rapporteur had preferred to confine his draft to the rules of "sedentary" diplomacy. Since, however, there was a considerable body of rules governing the exercise of *ad hoc* diplomatic functions, in the shape of the different conventions on the privileges and immunities of the United Nations and the specialized agencies and the provisional regulations for various special conferences, he wondered whether the Special Rapporteur could not extend the scope of his draft to include the codification of that second aspect of day-to-day diplomatic activity.

18. It was typical of the Special Rapporteur that he had not flinched from taking a positive stand, even on points which were open to doubt. There was, for instance, a tendency either to reduce or to increase not only the number of persons enjoying diplomatic immunities but also the scope of those immunities. To take a case in point, in relations between Yugoslavia and the United Kingdom, the latter had recently withdrawn diplomatic immunity from certain categories of Yugoslav staff on the ground that such treatment was not reciprocated by Yugoslavia. The Special Rapporteur, however, had carried the concept of the unity of the diplomatic service to its logical conclusion, claiming protection for all diplomatic agents, whether diplomats proper, experts, or personal servants, and regardless of whether they had the nationality of the sending State or not.

19. The concept of diplomatic immunity could not be rigidly applied when there was a conflict of rights of protection: the diplomat's right of *franchise de l'hôtel* on the one hand, and the right of the receiving State to intervene, in an emergency, to protect persons and buildings near to diplomatic residences. The general rule appeared to be that intervention in such cases was permitted; indeed there were instances where such action had been approved by the sending State. Thus, there were exceptions to the general principle, and, if the draft was to be accepted by States, the Commission should hesitate to include anything other than generally accepted rules.

20. Mr. GARCIA AMADOR observed that from the outset the Commission had disregarded the strict sense of the term "codification" in order to include well-established and desirable innovations in international law. That tendency was particularly apparent in the Commission's draft articles on the law of the sea,[3] and, to judge from the favourable reception of the latter by the General Assembly, might be said to have won its approval.

21. Diplomatic intercourse and immunities was one of the subjects least open to innovation. As Mr. Bartos had pointed out, however, some developments had taken place, and the rules might well be made extensible, by analogy, to special missions, which had already been the subject of international conventions. But a distinction must be drawn between permanent missions, such as those accredited to offices of the United Nations or those maintained in Washington by members of the Organization of American States, which bore a strong analogy to traditional diplomatic missions, and *ad hoc* missions to a particular conference, where the analogy was less marked.

22. A third category whose diplomatic immunity required codification was the officials of international organizations. Officials of the United Nations and other international organizations with political functions were sometimes entrusted, under the terms of the organization's charter or by special resolution, with diplomatic tasks far exceeding in scope and importance those which fell to the lot of traditional diplomats. Such officials should have the rights and immunities appropriate to their position in the diplomatic hierarchy. From the form in which the International Court of Justice had expressed its advisory opinion of 11 April 1949 on reparation for

[3] *Ibid., Eleventh Session, Supplement No. 9,* chap. II.

injuries suffered in the service of the United Nations,[4] it was clear that it regarded such international organizations as possessing an objective international personality. It was therefore logical that their officials be included in a codification of diplomatic immunity.

23. As for the right of diplomatic asylum, a subject in which a Latin-American jurist was understandably interested, he would be grateful if the Commission would study the matter when it had time and include appropriate provisions in a separate draft.

24. Mr. PAL drew the Commission's attention to the terms of General Assembly resolution 685 (VII), and observed that the task entrusted to the Commission was to formulate with precision the existing principles and rules and recognized practices concerning diplomatic intercourse and immunities. The Special Rapporteur in his draft had presented what he considered to be such existing rules and practices, and had given his own formulation of those rules and practices. He had rightly confined himself to recognized fields where there existed accepted and recognized principles, rules and practices. Bases like exterritoriality were mere covering generalizations, and the Commission would do better to avoid any formulation of such bases. No such basis was universally recognized, and such bases were not existing principles within the meaning of the terms of the General Assembly resolution.

25. The Commission's immediate efforts should be directed to see if the draft presented the existing rules and recognized practices, and if the formulation thereof was precise. If the Commission desired to go further and traverse the field where the practices and rules were still unsettled, it would be welcome to do that afterwards.

26. Mr. KHOMAN suggested that it might be possible to combine the approach adopted by the Special Rapporteur with that advocated by Sir Gerald Fitzmaurice, namely, to introduce some general propositions from which the draft rules derived. If that were done, however, the Commission would have to allow for a lengthy discussion of the draft in the General Assembly.

27. He fully concurred with the view that *ad hoc* diplomacy had introduced new elements into international life which it was difficult to disregard. He wished particularly to draw attention to the phenomenon of special missions exchanged by States between which there was no regular diplomatic intercourse. For instance, the fact that, up to the present, Thailand had had little permanent diplomatic intercourse with Latin-American countries did not prevent either side from establishing temporary intercourse through the medium of special missions. The draft might well include provisions regulating such developments.

28. Though Mr. Pal had rightly drawn attention to the limited scope of the task of codification entrusted to the Commission, the fact remained that there were numerous international organizations in existence which constituted a very important development in international life, and one which must be taken into consideration.

29. Mr. AMADO regretted that his inability to attend the opening of the session had deprived him of the pleasure of voting for a group of officers of whose election he so heartily approved.

30. In the matter of codification, the Commission was faced with a choice of method. It could either keep strictly to the subjects which the Special Rapporteur, with his sense of practical possibility, had endeavoured to formulate, or it could try to codify matters whose codification had not so far been envisaged, and on which, in some cases, no positive rules existed. The best course might be to survey the ground first, and see if there were any rules on which opinion was not divided. The Commission could then go on to the next stage, always with the basic principles in mind.

31. Mr. EL-ERIAN fully agreed with Sir Gerald Fitzmaurice that the Commission's draft should include a clear expression of its views as to the basis of the privileges and immunities that were recognized. Although he did not underestimate the part that other theories had played in the development of diplomatic intercourse, he felt the time had come for the International Law Commission to come out plainly in favour of the realistic modern theory as to the basis of diplomatic privileges and immunities, namely, the so-called functional or "demands of the office" theory which found expression in Articles 104 and 105 of the United Nations Charter. It was true that the theory of extraterritoriality had found favour for a time, not only in connexion with diplomatic privileges and immunities but also as the justification for ascribing jurisdiction over a ship on the high seas to the flag state. It was not, however, in accordance with modern thinking to base international law on a fiction. Moreover, the theory of extraterritoriality could give rise to confusion and anomalies; for example, although, in accordance with that theory, a child born on diplomatic premises should receive the sending State's nationality where that State was a *jus soli* country, in practice it did not.

32. With regard to the form and arrangement of the report, the Special Rapporteur had rightly deemed it necessary to include provisions on the duties of a diplomatic agent, but had placed them at the very end of his draft, so that they appeared to be in the nature of qualifications to all the preceding provisions relating to privileges and immunities. It might be preferable to place them at the beginning, so as to bring out the fact that the privileges and immunities conferred on diplomatic agents resulted from the nature of their duties.

33. Mr. SCELLE said that, if the Commission wished, it could of course confine itself to the question of relations between States, but in that case it should change the title of the topic to "Diplomatic intercourse and immunities in relations between States". There were many other types of diplomatic intercourse and immunity, and it was to them that the functional or "demands of the office" theory, which had been defended by a number of previous speakers, was particularly relevant. He was not urging that the Commission necessarily enlarge the scope of the Special Rapporteur's report but only that it should immediately afterwards take up such questions as the privileges and immunities conferred on international organizations. If it omitted to do so, it would be disregarding article 1 of its Statute, which placed the progressive development of international law on an equal footing with its codification as one of the Commission's objectives.

34. Mr. YOKOTA asked whether it had been the Special Rapporteur's intention to exclude from the scope of his draft the permanent Government representatives accredited to international organizations, or whether he considered they could be assimilated to diplomatic agents accredited to States. They were different with regard to

[4] *I.C.J. Reports 1949*, p. 174.

the manner of appointment, but almost identical with regard to the privileges and immunities conferred. Anyway it might be more convenient for the Commission to begin by confining itself to diplomatic agents in the strict sense, provided that at a later stage it went on to study the position with regard to the category to which he had referred, one that was increasing continually in numbers and in importance.

35. Mr. TUNKIN felt that the Commission must bear in mind that it was engaged in preparing drafts which States would be asked to accept and to apply in practice. While, therefore, it could not by-pass theoretical problems altogether, and must deal resolutely with such as arose in its path, it should concentrate on achieving practical results. Moreover, it was often easier to reach agreement on practical points than on theory.

36. The Special Rapporteur had accordingly been right to attempt to base his draft on existing international rules. There were, however, some places where the draft departed from the existing rules. He had in mind particularly article 12, paragraph 1, relating to *franchise de l'hôtel,* and article 16, paragraph 2, relating to the diplomatic pouch. He appreciated the dangers which the Special Rapporteur sought to counteract by the innovations he proposed, although to Mr. Tunkin's mind they were probably more theoretical than real; but he feared that the difficulties and disputes to which they might themselves give rise would be only too real.

37. On the other hand, he agreed with the Special Rapporteur that the report should be confined to the question of diplomatic privileges and immunities in the strict sense. It was undeniable that there was also a problem of the privileges and immunities enjoyed by international organizations, but that was quite a different problem.

38. Mr. VERDROSS pointed out that people often arrived at the same practical conclusion, though arguing from different premises. He was therefore inclined to agree that the Commission should not bother unduly about theoretical points, but should proceed at once to study specific problems.

39. With regard to the scope of the future draft, he agreed that the question of relations between international organizations and between them and States was one that had to be regulated by international law, but felt that the Commission would be wise to begin by regulating the classical field of diplomatic relations before considering how far the rules it had laid down were applicable to international organizations.

40. Mr. LIANG (Secretary to the Commission) recalled that on more than one occasion in the past he had expressed the Secretariat's considered view that, despite any similarity of the basic problems involved, it might be somewhat inconvenient to deal with the making of treaties by international organizations at the same time as the making of treaties between States. What he had said on those occasions applied with equal, if not more, force to the present case. Reading the text of General Assembly resolution 685 (VII), it seemed clear that the General Assembly—like, he thought, the Yugoslav Government, in submitting the draft resolution from which that resolution had sprung—had had in mind diplomatic privileges and immunities as between States.

41. The status of international organizations, and the privileges and immunities conferred on their agents and the permanent Government representatives accredited to them, unlike the privileges and immunities conferred on diplomatic agents in the strict sense, were matters that had been regulated almost exclusively by conventional law and to which international custom had not yet made any appreciable contribution. It might possibly be desirable for the Commission to analyze the text of Articles 104 and 105 of the United Nations Charter, the Conventions on the privileges and immunities of the United Nations and of the specialized agencies and related instruments, and to study the way in which they had worked in practice; but that would clearly be a very different task from that with which it was faced in connexion with diplomatic privileges and immunities in the strict sense. For those reasons, he thought that the approach adopted by the Special Rapporteur, which was also that adopted by the Institute of International Law and the Harvard Research, was the correct one.

42. On the other hand, it might well be appropriate to include *ad hoc* and other forms of "roving" diplomacy in the Commission's draft.

43. Mr. BARTOS said that, as he had been its chief legal adviser at the time, he could confirm that the purpose of the Yugoslav Government's proposal at the seventh session of the General Assembly had been to secure the study not only of what he had called "sedentary" diplomacy but also of all other forms of diplomatic relations *between States.* It had not had in mind, nor had he mentioned in his statement earlier in the meeting, the question of the staff of international organizations, who could not be regarded as diplomats properly speaking.

44. Mr. SCELLE said that he had no objection to the Commission's limiting itself for the present to diplomatic intercourse between States. He merely wished to avoid its giving the impression of entirely overlooking all other forms of diplomatic intercourse.

45. International organizations necessarily enjoyed certain diplomatic privileges and immunities. Their role was already a very important one, and would become still more so; and as it did so the sovereign jurisdiction of States would diminish. For international law was made up exclusively of matters which had been successively removed from the sovereign jurisdiction of individual States, in the same way as Roman law had been made up exclusively of matters that it had once been the paterfamilias' sole responsibility to decide.

46. If the Commission appeared to be simply disregarding the existence of privileges and immunities other than those conferred in relations between States, it would be flying in the face of a tendency which had been gaining strength for over fifty years. Even before the First World War there had been international organizations with international responsibilities and an international personality, which necessarily entailed their being allowed to maintain international relations.

47. Sir Gerald FITZMAURICE said that, while he sympathized with much of what Mr. Scelle had said, he was bound to admit the force of Mr. Liang's remarks. Moreover, the fact that the relations of international organizations were regulated by convention made it dangerous to attempt to codify them, since, unless the Commission adopted exactly the same rules as were to be found in the instruments already in force, it would give rise to conflicts of law. In fact, the various instruments were not identical, so that it would be impossible for the Commission to lay down rules which did not conflict

with at least some of them. For those reasons, he felt that the Commission should not attempt to codify the question of the privileges and immunities conferred on international organizations and permanent Government representatives accredited to them, at any rate for the present.

48. The CHAIRMAN, speaking as a member of the Commission, said that he fully shared the view that the Commission should be guided strictly by the letter and spirit of General Assembly resolution 685 (VII). The Special Rapporteur was to be congratulated on not having succumbed to the temptation to extend the scope of his report to cover privileges and immunities which, though to outward appearance similar, were by nature and origin very different. On the other hand, he saw no objection to some addition being made to the draft in order to cover *ad hoc* missions.

49. There were a number of points in the Special Rapporteur's draft which, in his view, merited special consideration. In the first place, the privileges and immunities which the Special Rapporteur proposed should be extended to diplomatic agents who were nationals of the receiving State were much greater than those recognized under the existing law. An analysis of national legislations and international practice clearly showed that States were not prepared to recognize diplomatic privileges and immunities as attaching to their nationals if they should become diplomatic officials of foreign States. While such cases were quite rare nowadays, the problem arose more frequently in cases where a diplomatic official married a national of the receiving State, or where the nationality of the latter was not affected by the marriage. Secondly, careful consideration should be given to the innovations which the Special Rapporteur proposed with regard to the universally recognized principles of the inviolability of mission premises and the inviolability of the diplomatic pouch.

The meeting rose at 12.50 p.m.

384th MEETING

Thursday, 25 April 1957, at 9.45 a.m.

Chairman: Mr. Jaroslav ZOUREK.

Diplomatic intercourse and immunities (A/CN.4/91, A/CN.4/98) *(continued)*

[Agenda item 3]

GENERAL DEBATE *(continued)*

1. Mr. EDMONDS congratulated the Special Rapporteur on a well-presented, concise and complete draft, (A/CN.4/91). The task of the Commission, as Mr. Edmonds understood it, did not extend beyond the rights and privileges of officers normally included in the category of those carrying out diplomatic duties. General Assembly resolution 685 (VII) appeared to confirm that impression, and, what was perhaps more important, the persons conducting negotiations or engaged in special diplomatic missions differed so greatly in status that it seemed almost impossible to generalize regarding them. Were the Commission to attempt to do so it might well lose itself in a mass of detail.

2. Mr. MATINE-DAFTARY, after congratulating the Special Rapporteur on his masterly report (A/CN.4/91) and the Secretariat on its well-documented study (A/CN.4/98), said he was interested to learn from paragraph 3 of the Special Rapporteur's commentary that one of the reasons given in the Yugoslav explanatory memorandum for urging that the Commission give priority to the codification of "diplomatic intercourse and immunities" was that "of late . . . the violations of the rules of diplomatic intercourse and immunities have become increasingly frequent".[1] He would be interested to hear whether Mr. Bartos considered the draft satisfactory from that standpoint.

3. He was glad that the draft submitted by the Special Rapporteur included provisions to put an end to certain abuses. Among other provisions, article 5 of the draft recognized the right of the receiving State to limit the number of members of a diplomatic mission. Though there could be no doubt of the theoretical soundness of that provision, he wondered how far it would be possible, in practice, for uninfluential States to exercise such a right.

4. Mr. YOKOTA said that the question of reciprocity in connexion with diplomatic immunities and privileges was a most important one. The statement in paragraph 36 of the Secretariat's memorandum (A/CN.4/98) that "it is also apparent from these various provisions that immunities are granted on a reciprocal basis; this point seems to be of paramount importance" was liable to misinterpretation. If States considered themselves free to grant immunities or not on a reciprocal basis, some might refuse to grant them at all. Such an interpretation was not in accordance with customary international law, under which States were bound to accord the recognized privileges and immunities to foreign diplomatic agents. If a State refused to do so, it was violating the customary rules of international law, and it was then that the institution of reprisals came into play, in so far as a State whose diplomatic agents had had their immunities restricted or refused by another State was entitled to take similar action with regard to the diplomatic agents of the second State. It might perhaps be desirable to include a provision to that effect in the draft.

5. Sir Gerald FITZMAURICE said that Mr. Yokota had raised a very important question. The case he had mentioned was rather one of reprisal than of reciprocity. It might be a moot point whether the principle of reciprocity was a matter of general international law, but in practice it was undoubtedly of great significance. While some countries were extremely liberal as regards privileges and immunities, others tended to limit the number of members of diplomatic missions entitled to them. Sometimes the dividing line was drawn at a certain level in the diplomatic hierarchy. In such cases, the principle of reciprocity must surely be valid. A State could, of course, continue to grant privileges and immunities to foreign diplomatic agents even when its own agents did not receive similar treatment, but it must be entitled to apply some restrictions if it wished.

6. Mr. BARTOS said that the Commission should not place too narrow an interpretation on its term of reference as embodied in the General Assembly resolution. The Yugoslav delegation, when proposing in 1952 the codification of the topic as a matter of priority, had admittedly had in mind intercourse between States, and not relations between States and international organizations. But international organizations were also possessed of personality in public international law, not merely on the basis of the advisory opinion of the International Court of Justice but on general grounds. There was therefore

[1] *Official Records of the General Assembly, Seventh Session, Annexes*, agenda item 58, document A/2144/Add.1.