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**GENERAL  
 ASSEMBLY**

SIXTEENTH SESSION

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**SIXTH COMMITTEE, 707th  
 MEETING**

Friday, 3 November 1961,  
 at 11.5 a.m.

**NEW YORK**

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**Chairman:** Mr. César A. QUINTERO (Panama).

*In the absence of the Chairman, Mr. Yasseen (Iraq), Vice-Chairman, took the Chair.*

AGENDA ITEM 69

**Report of the International Law Commission on the work of its thirteenth session (A/4843, A/C.6/L.485 and Add.1, A/C.6/L.486) (continued)**

1. Mr. PERERA (Ceylon) said that he did not wish in any way to limit the Committee's freedom of discussion, but, since the draft articles on consular relations (A/4843, para. 37) had been completed, it was the duty of the Committee to give effect to the recommendation of the International Law Commission contained in its report (*ibid.*, para. 27). The subject had already been exhaustively discussed at earlier sessions, and further consideration of it by the Committee in 1962 would serve little purpose. Such a discussion would be tantamount to reopening the entire debate. It had been argued that further debate at the seventeenth session would give the new Member States an opportunity to become better acquainted with the principles involved, but, in his view, the new Members could not be expected to acquire wisdom in the next year if they did not possess it already. Those States, he was convinced, were perfectly capable of holding their own in the field of international law; in that connexion, he had only to refer to the fruitful work accomplished by the Asian-African Legal Consultative Committee since its establishment in 1956.

2. The terms of the eight-Power draft resolution (A/C.6/L.485 and Add.1) contained a contradiction. The second preambular paragraph recalled the Commission's recommendation that the General Assembly convene an international conference of plenipotentiaries to study the draft on consular relations, whereas operative paragraph 3 called for the inclusion of the item in the provisional agenda of the seventeenth session to enable the making of additional observations concerning the draft articles. To all intents and purposes, that was asking the Sixth Committee to perform the functions of the proposed conference of plenipotentiaries. If the Committee wished to engage in further discussion of the matter, a reference to that effect might be included in its report to the General Assembly, but such a statement of intent had no place in a draft resolution. The situation was not the same

as that after the first United Nations Conference on the Law of the Sea, when the question of the territorial sea had been left undecided; the Committee was now confronted with the final text of the draft articles on consular relations, with no serious imponderables.

3. Turning to the six-Power draft resolution (A/C.6/L.486), of which his delegation was a co-sponsor, he first drew attention to the third paragraph of the preamble, which had been taken from the Vienna Convention on Diplomatic Relations.<sup>1/</sup> As the representative of Indonesia had observed at the 706th meeting, consular relations were of increasing importance in the modern world and States sometimes maintained consular relations with Governments which they did not recognize diplomatically. The sponsors of the draft resolution had insisted, therefore, as indicated in operative paragraph 4, that all States should be invited to participate in the proposed conference of plenipotentiaries. He could not agree to "the traditional United Nations formula" referred to by the United States representative (705th meeting, para. 15), whereby only States Members of the United Nation, States members of the specialized agencies and States parties to the Statute of the International Court of Justice would be invited to participate in the conference. The representative of Indonesia had rightly objected to the continued application of that formula, which prevented certain countries from participating in the work of the United Nations. The United States representative had said (*ibid.*) that an invitation to all States would give the impression that the Committee was attempting to prejudice indirectly a highly contentious issue which was already on the agenda of the General Assembly and, by that very fact, outside the purview of the Sixth Committee. He wished to assure the United States representative, in that connexion, that he had had no sinister motive in calling for an invitation to all States, but had only wished to take account of the political realities of the contemporary world and to break away from a formula which was no longer applicable. For, if it was an accepted practice in the United Nations to give preferential treatment to certain States, it was high time that the Sixth Committee, at least, should take the lead in discontinuing that practice.

4. He hoped that any draft resolution on the subject of the proposed conference of plenipotentiaries could be adopted unanimously, since even one dissenting vote would prejudice its chances of success. For that reason, he urged the sponsors of the eight-Power draft resolution to reconsider their position very carefully; if they continued to press their draft resolution in its present form, his delegation would be obliged to call for a separate vote on the two draft resolutions before the Committee.

The meeting rose at 11.55 a.m.

<sup>1/</sup>United Nations Conference on Diplomatic Intercourse and Immunities, *Official Records, Volume II: Annexes* (United Nations publication, Sales No.: 62.X.1).