United Nations
GENERAL ASSEMBLY
TWENTY-SEVENTH SESSION
Official Records

SIXTH COMMITTEE, 1322nd MEETING

Thursday, 5 October 1972, at 10.40 a.m.

NEW YORK

Chairman: Mr. Erik SUY (Belgium).

AGENDA ITEM 85

Report of the International Law Commission on the work of its twenty-fourth session *(continued)* (A/8710 and Add.1 and 2)

1. Mr. ALVAREZ-TABÍO (Cuba) said that he would confine himself to making a few preliminary comments on the two sets of draft articles that had been prepared by the Commission and appeared in the report (A/8710 and Add.1 and 2). The two sets presented a striking contrast, for one was the fruit of many years of work in an extremely complex field and was in keeping, with regard both to form and to substance, with the best traditions of the Commission, whereas the second had quite evidently been hastily prepared and ran counter to the principles accepted by the vast majority of specialists in criminal law and international law and embodied in domestic legislation and conventions.

2. The first set of draft articles, on succession of States in respect of treaties (see A/8710, chap. II, sect. C), represented a considerable advance in the development and codification of international law, and Sir Humphrey Waldock was to be congratulated on his work. The greatest merit of those draft articles was that they took account of the consequences of the principles of the United Nations Charter and, in particular, the principle of self-determination. That meant that, as was stated in article 11, a newly independent State was not bound by its predecessor's treaties and the principle of ensuring continuity in treaty relations might be waived in cases of succession.

3. The resultant "clean slate" situation of a newly independent State in respect of both bilateral and general multilateral treaties of the predecessor State did not, however, mean that the State in question could not be a party to them. Under article 12, a newly independent State might be a party to any multilateral treaty in respect of the territory to which the succession related, although it could not be regarded as automatically bound by that treaty.

4. Part V contained a general exception to the "clean slate" principle in respect of so-called territorial treaties, in accordance with the traditional theory that such treaties were not affected by a succession of States. Thus, article 29 contained provisions analogous to those of article 62 of the Vienna Convention on the Law of Treaties,[1] as exceptions to the principle *rebus sic stantibus*. Article 30, however, went much further by stipulating that a succession of States did not as such affect obligations relating to the use of a particular territory, and his delegation believed that the scope of that provision should be made clear, because, with its present wording, it seemed to apply indiscriminately to all the many kinds of territorial treaties, including those concerning the establishment of military bases. It was unacceptable to his delegation that succession should not affect such treaties, because, in the case of a radical change in the sovereignty of a State, there could not be continuity in respect of responsibilities of that kind.

5. With regard to devolution agreements, it seemed beyond question that they had no legal validity unless they emanated from the freely expressed will of the successor State, because agreements unjustly imposed by force were irremediably vitiated from the start. In that regard, it should be made explicit in the definition of the term "treaty" in article 2, paragraph 1 (*a*), that it meant a validly concluded international agreement.

6. With regard to the other terms defined in that article, his delegation did not feel that the words "in the responsibility for the international relations of territory", in the definition of the term "succession of States" in subparagraph (*b*), were a particularly felicitous choice. First, the word "responsibility" had a very specific meaning in the law of contracts and obligations, and, secondly, it was not a question of international relations of territory but of international relations of sovereignty in respect of a particular territory; moreover, there was a transfer not only of responsibilities but also of rights and obligations. Account should, moreover, be taken of the fact that every territory had a population, whose prerogative it was to exercise its inalienable right to self-determination and to decide whether or not it was prepared to assume the responsibility deriving from earlier treaty relations.

7. The term "newly independent State" should cover all the various historical categories of dependent territories, including those resulting from new forms of colonialism, namely, those characterized by the presence of tyrannical and servile regimes, which, although theoretically independent, were unconditionally subject to the wishes of big imperialist Powers which exercised absolute control. Liberation from the constraint of neo-colonialism—and the

[1] See United Nations Conference on the Law of Treaties, 1968 and 1969, *Official Records* (United Nations publication, Sales No. E.70.V.5), document A/CONF.39/27, p. 287.

establishment of a new regime that was fully independent politically and economically—also involved, therefore, a succession of States.

8. The question of the protection and inviolability of diplomatic agents (*ibid.*, chap. III, sect. B), which was the subject of the second set of draft articles, had already been dealt with in detail in various international conventions. The set of draft articles proposed by the Commission was a draft convention of a represseive character which disregarded some generally accepted principles relating, in particular, to the definition of a crime, extradition and political asylum. The draft articles, which were an attempt to formulate rules of law that would ensure international co-operation for the prevention, suppression and punishment of crimes against diplomatic agents and other internationally protected persons, did not by any means fulfil their stated purpose. In the first place, the draft articles had such a strongly repressive character that they would serve only to encourage violence, rather than to suppress it. Furthermore, many States would be unable to ratify them, some because they would be unwilling to go against certain principles of criminal law which they deemed valid, and in particular the institution of asylum, and others because they would be unwilling to accept such a challenge to their domestic jurisdiction, which embraced the task of maintaining the law and determining the scope of national criminal law.

9. The draft articles constituted, to some extent, a questionable attempt to support the policy of terror of certain tyrannical regimes against national liberation movements. It was especially distressing that they made no reference to the protection of the fundamental rights of the accused, who was merely assured, in vague terms, of fair treatment.

10. Article 2 listed the crimes covered by the draft articles in such a vague way as to make their application illusory. In the first place, that article totally ignored the time-honoured principles calling for any offence to be expressly defined. In accordance with the principle *nulla poena sine lege*, the penalties also should be explicitly laid down. By speaking of the "intentional commission, regardless of motive", article 2 ruled out any consideration of the motive or objective of the crimes for purposes of extradition. The attempt, further on in the same article, to give a "violent" attack a universal character raised the question, for example, whether an offence of theft against a diplomatic agent was regarded as having extraterritorial repercussions; it was doubtful whether a State would in such an instance waive the principle of the territoriality of its criminal legislation.

11. In paragraph 1 *(a)* of the same article, which attempted to define a first category of crimes, the word "intentional" indicated that only deliberate offences were meant, but it should also be made clear, if the draft articles were to serve their purpose, whether, in order for them to apply, it was necessary that the person committing the offence should know that his victim was a person enjoying international protection. The words "a violent attack" were both too broad and too restrictive. An overly general definition of the crimes covered might result in the exclusion from them of the most serious ones, and it was questionable whether the term "attack" could apply to serious crimes such as murder or grave bodily injury, not to mention attacks committed against an authority in the exercise of its functions. A restrictive criterion was necessary. In criminal matters, the use of an interpretation by analogy or an extensive interpretation inevitably went against the principle ***nullum crimen sine lege***. It should, moreover, be noted that to speak of a "violent" attack was a tautology.

12. Article 2, paragraph 1, subparagraphs (*d*) and (*e*), concerning, respectively, attempts to commit a crime and complicity, were superfluous, because the former was but a stage in the commission of the crime and the second a form of participation.

13. With regard to the end of article 2, paragraph 1, his delegation doubted whether its legislature would be able to accept the very radical changes they would entail with regard both to substantive criminal law and to the rules relating to the application of criminal law territorially. In accordance with the principle of sovereignty, it was for each State to apply sanctions to persons in its territory. The territorial character of criminal law was further strengthened by the principle of reciprocal recognition of sovereign equality. That did not, however, prevent States from giving each other mutual assistance by means of extradition on the basis of bilateral agreements. The interests of all States would be properly protected by the proper exercise by each of its territorial competence, and it would be sufficient to supplement the latter by bilateral extradition agreements. There were, however, still some instances of unfair discrimination in the international community against certain countries, and against Cuba in particular.

14. The draft articles disregarded all the commonly accepted principles regarding extradition, including the requirement for explicit legislative definition of extraditable offences. The provisions of article 7, paragraph 1, in particular, went too far in that regard. It was doubtful whether States that had concluded bilateral extradition treaties would agree to extend their application to such ill-defined offences as those covered by the draft articles, as was provided for in article 7, paragraph 1. Moreover, that article contradicted the provisions of article 6, because, by stipulating that any extradition treaty should extend automatically to the crimes listed in article 2, it implicitly denied the choice provided for in article 6.

15. Lastly, it should be pointed out that the principle that crimes of a political nature were not extraditable offences was generally accepted both from the legislative and treaty standpoint and from that of doctrine. While it was true that not all authors were agreed on the definition of a political crime, the most widely held view adopted, for the purpose of defining such a crime, the subjective criterion of the motive of the act, while bearing in mind the political atmosphere in the State in whose territory the crime was committed and taking the offender's personality into consideration in order to avoid granting political asylum to criminals under ordinary law. Moreover, each State

reserved its competence with regard to the definition of a crime, as provided in article 355 of the Bustamante Code.[2] In its resolution 2312 (XXII), the General Assembly had affirmed that territorial asylum was granted by a State in the exercise of its sovereignty and the Universal Declaration of Human Rights recognized, in article 14, that everyone had the right to seek asylum in any country.

16. The Cuban delegation could not therefore support a draft which was so clearly aggressive in nature and which concerned a limited category of international crimes, while imperialist aggression against people fighting for their freedom was implicitly accepted. Furthermore, his delegation did not regard the question of the protection of diplomatic agents as an important or urgent matter, since the diplomatic law currently in force ensured the most extensive guarantees in that regard.

17. Mr. REZENDE (Brazil) thanked the Commission for the efforts which it had made in formulating the two sets of draft articles appearing in its report.

18. With regard to the question of the protection of diplomatic agents, he stressed that the problem was only one aspect of the very serious and delicate question of the organization of international co-operation for the prevention and punishment of terrorism; it was in that way that an end could be put to that type of criminality which was based on a close connexion between activist centres located on all continents.

19. His delegation considered, furthermore, that, in that area, a convention of limited scope would not achieve the desired goals. The draft articles in question concerned only the protection of persons who were already the subject of legal provisions on the inviolability of diplomatic agents. Furthermore, it was still necessary to find the most effective machinery for ensuring the immediate implementation of the measures provided for in existing documents, including the United Nations Charter and the Vienna Conventions on Diplomatic Relations and on Consular Relations.

20. He noted that, in its formulation of the draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons, the Commission had followed neither its traditional method of working nor the recommendations contained in General Assembly resolution 2780 (XXVI). However, he understood why the Commission had followed such a procedure in view of the urgency of the question, and he wished to stress that his remarks did not constitute a criticism of the work done by the Commission with its usual competence and zeal.

21. Turning to the question of succession of States in respect of treaties, he paid tribute to the remarkable work done by the Special Rapporteur, Sir Humphrey Waldock. He noted that the draft convention took account of the situation of States which had recently become independent. The Commission had borne in mind the right of peoples to self-determination and had, on that basis, developed the "clean slate" principle, which left new States free in respect of obligations arising from treaties concluded by their predecessors.

22. His delegation understood, of course, the position of new States on the question but stressed the need to ensure a balance between the rights and duties of States and the principles of the Charter on the one hand, and, on the other, the constantly growing interdependence of States and the benefits deriving from the continuity of treaty relations. In any event, the articles on succession of States in respect of treaties, prepared by the Commission, deserved to be given careful study.

23. Welcoming the success of the first Gilberto Amado Memorial Lecture, he informed the Committee that his Government had decided to renew its contribution to the Lecture, which had come about as a result of the friendship and admiration of his colleagues for a man who had devoted his entire life to the study of law and the cause of international co-operation.

24. Mr. TUBMAN (Liberia) said that the report which had been brilliantly introduced by the Chairman of the Commission was a further demonstration of the scholarly and able manner in which the Commission had over the years carried out the task entrusted to it under Article 13 of the Charter. His Government reserved the right to study in greater detail the draft articles on succession of States in respect of treaties, to which the Special Rapporteur, Sir Humphrey Waldock, had provided brilliant commentaries; at the present stage, however, his Government considered that the draft was in accordance with its views on the matter, particularly with regard to the application of the principles of the "clean slate" and self-determination. It was happy to note, however, that the first of those principles had not been given a sweeping interpretation, because otherwise some of the benefits to be achieved by the attainment of independence would have been lost; for example, with regard to treaties establishing a legal bond attaching to a territory, third States bound by such treaties with the predecessor State would necessarily have had to enjoy a similar freedom, to the detriment of the international position of the new State, which might have found certain doors closed to it. The latter had, for its part, an obligation to respect, for example, boundary regimes established prior to its accession to independence as well as customary rules of international law, in the same way as all other members of the international community. In any event, the attainment of sovereignty conferred upon the new State the right to review and change, within the scope allowed by international law, questions affecting its national interests and all treaties, including dispositive treaties.

25. Referring to the draft articles on the protection of diplomatic agents, his delegation thought that the Philippine representative's proposal made at the 1320th meeting, that ministers for foreign affairs should be included in the

[2] Convention on Private International Law, signed at Havana on 20 February 1928, League of Nations, *Treaty Series*, vol. LXXXVI, 1929, No. 1950.

category of internationally protected persons, deserved consideration. Furthermore, international protection should be granted to the persons in question wherever they might be, in view of the great mobility of diplomatic agents in the present day and age. Small States which did not have the means to establish a large number of diplomatic missions would derive particular benefit from such a provision. Moreover, the scope of article 6 should be extended so that the article could not be used as a means of coercion against small States. Lastly, his delegation supported the Finnish proposal made at the 1320th meeting concerning the convening in 1973 of a conference of plenipotentiaries to draft a convention on the question.

26. The progress made by the Commission in respect of the other items on its programme, in particular the most-favoured-nation clause, had retained the attention of his delegation, which considered the clause to be of great importance in certain respects. His delegation welcomed the co-operation between the Commission and regional legal bodies such as the Asian-African Legal Consultative Committee, which was of mutual benefit and enabled the Commission to speed up its work.

27. Mr. BULAJIĆ (Yugoslavia), noting that the Commission would mark its twenty-fifth anniversary in 1973, expressed the wish that that anniversary would be appropriately celebrated in the Sixth Committee, the General Assembly and throughout the world, in view of the extremely valuable results achieved by the Commission during the past quarter of a century. As the Secretary-General had said at the Commission's 1194th meeting held during its twenty-fourth session, there was no long-term alternative to a policy of peaceful coexistence within the framework of international law and it was essential that the codification and progressive development of international law should be pursued even more energetically in the future.

28. Succession of States in respect of treaties was an important and urgent topic. The Commission, basing itself on the Vienna Convention on the Law of Treaties and on the principles enshrined in the United Nations Charter, in particular the principle of self-determination, had not felt able to endorse the thesis that a newly independent State was presumed to consent, unless it declared a contrary intention, to be bound by treaty obligations in force in respect to the territory for which it had assumed responsibility; on the contrary, the Commission had considered (see A/8710, para. 36) that the "clean slate" principle, "if properly understood and limited", was "more consistent with the right of self-determination". That principle should be "properly understood and limited" in order to prevent any inequality of treatment as between the new State and a third State and to ensure the continuity of codification treaties concluded by or under the auspices of the United Nations. His Government would submit supplementary comments to those preliminary remarks at an appropriate stage.

29. There was no need to stress the importance of the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law. The number of crimes committed against diplomatic agents and persons of similar kind continued to increase in many countries. The essence of the problem was that the penalties imposed on persons committing such crimes were not sufficiently severe to discourage them. He cited, by way to example, the fact that Ambassador Rolovic had been assassinated at Stockholm by the very same group of terrorists who had received a mild sentence for an attack on the Yugoslav Consulate-General at Göteborg.

30. It had become clear that the so-called "static" protection provided by the Vienna Convention on Diplomatic Relations was no longer adequate and that new rules governing international public law were required. Nevertheless, one of the first measures that should be taken was to recommend strongly that all States that had not yet done so should ratify the Vienna Conventions on Diplomatic Relations and on Consular Relations, for there would be no point in adopting new instruments so long as those which ensured diplomats the minimum protection to which they were entitled had not been ratified by all States.

31. As it had indicated in the comments it had sent to the Commission (see A/8710/Add.1), his Government considered that it was essential that a set of draft articles relating to the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law should be prepared without delay. His Government had submitted a number of suggestions in that regard in its comments and he was glad to note that those suggestions had been taken into account in the draft articles prepared by the Commission. His delegation would support the inclusion of an article imposing upon persons entitled to special protection under international law a general obligation of neutrality in any political conflict in the territory of the State in which they exercised their functions; that would ensure that an act of terrorism was not regarded as provocation when it had in fact been provoked by the victim. He agreed with those representatives who had stressed that the draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons were related to the item on international terrorism. Nevertheless, he would prefer to discuss the draft articles under the item on consideration of the Commission's report, since the controversy surrounding the item on terrorism might prevent the draft from receiving the attention it deserved. The draft articles provided a solid foundation for the preparation of a relevant international convention, which could be concluded by a conference of plenipotentiaries to be convened in 1973; the conference could work on the basis of the draft articles, taking into account the discussions in the Sixth Committee and the comments of Governments.

32. His delegation wished to stress that co-operation with other regional legal bodies would be beneficial and should be maintained and strengthened. He could not fail to note the success of the International Law Seminar which had been held at the same time as the Commission's session. It was to be hoped that means would be found to expand the Seminar's scope and to ensure participation by an even greater number of people.

33. His delegation paid a tribute to the work of the Commission and drew the attention of the Sixth Committee and the General Assembly to the need to ensure that the Commission had the time and resources it required in order to carry out its work satisfactorily.

Mr. Velasco Arboleda (Colombia), Vice-Chairman, took the Chair.

34. Mr. SAM (Ghana) congratulated the Commission on the excellent work it had done in preparing the draft articles on the succession of States in respect of treaties and in providing the excellent commentaries analysing the reasons and legal principles underlying each draft article. The explanation given in paragraph 30 of the use of the expression "succession of States" was clear, but, by going on to state that the rights and obligations in respect of treaties deriving from a succession should be ascertained from the provisions of the articles themselves, the Commission had permitted a degree of uncertainty to remain. His delegation could not support without qualification the Commission's view of the principle of the "clean slate" in the treaty relations of a new State. Modern jurists tended to analyse the problems arising from the succession of States mainly on the basis of State practice, which could vary in different parts of the world. The important thing was to analyse the nature of the problem from the legal point of view and then, using the principles of international law as a guide, formulate the appropriate legal rules to be applied to each particular case, with due regard for the compatibility of the objectives of the successor State and the terms of the treaty concerned. With regard to the "clean slate" principle, he was glad to see that in paragraph 37 of its report the Commission acknowledged that the principle, as it operated in the modern law of the succession of States, did not normally bring about a total rupture in the treaty relations of a territory which acceded to independence.

35. Turning to the question of succession of States in respect of multilateral treaties, he said that the determining criterion could be more simply explained as dependent on the legal nexus established by the predecessor State between the territory concerned and the terms of the multilateral treaty. Moreover, new States should take time to reflect before accepting succession to treaties involving membership in international organizations in view of the various obligations that were involved.

36. He agreed completely with the views of the representative of the Netherlands expressed at the 1317th meeting regarding the problems that would arise more and more frequently in the future in cases of unification, dissolution or secession of States. In his opinion, political unity or integration could be said to have occurred only when States which had previously been independent and sovereign were placed, in whole or in part, under one common political authority. Regarding the question of boundary regimes and other territorial regimes, he supported most of the views expressed by previous speakers. As to the general features of the draft articles, he accepted without reservation both their form and their scope as explained in paragraphs 39 to 44 of the report. However, he reserved his right regarding the final formulation of the text. His delegation was in agreement with the views of the Commission on the scheme of the draft as stated in paragraphs 45 to 48 of the report. Regarding paragraph 50, the Commission should examine the question of how disputes concerning the interpretation and application of the draft articles should be settled, as it had done in article 12 of the draft on the protection of diplomatic agents. The time-limit for notification of succession could be fixed in each particular case depending on the terms of the treaty in question.

37. With regard to the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law, his delegation would, in accordance with the views expressed by the Commission in paragraph 60 of its report, make its comments on the subject, which was closely linked with the question of terrorism, when the Sixth Committee came to deal with item 92 of the agenda.

38. He was glad to note that the Commission's work on the other topics in its work programme was progressing well. The Sixth Committee should give its full support to the programme which the Commission had decided on for its future work. It was also very important that the Commission should maintain its cordial relations with the various regional bodies dealing with legal matters, for, in areas which transcended regional boundaries, such as international trade law, State responsibility and non-navigational uses of international watercourses, such co-operation which those legal bodies themselves valued highly, would help to eliminate useless and costly duplication. He also suggested that the text of the Gilberto Amado Memorial Lecture should be printed at least in English and French in order to bring it to the attention of the largest possible number of specialists in international law. As for the International Law Seminar, which helped to close the gap between the older and younger generations of international lawyers, he hoped that Governments would continue to be generous in granting scholarships. He was particularly glad to hear that Sweden and Denmark had offered scholarships, in one case with an increase in the amount, for the Seminar to be held in the summer of 1973.

39. He paid a tribute to the Special Rapporteur, Sir Humphrey Waldock, for the invaluable work he had done on the succession of States in respect of treaties and he thanked the Chairman of the Commission for his masterly introduction of the Commission's report.

40. Mrs. d'HAUSSY (France) said that she did not think it necessary to restate her delegation's basic reservations with respect to the preparation of a convention on the protection of diplomatic agents and other persons entitled to special protection under international law. At the present stage, she would confine herself to a few comments of a juridical nature on certain important provisions of the draft articles on the subject and the improvements which could be made to them.

41. Article 1, which determined, *ratione personae*, the scope of the draft, should be made more precise. In particular, it should specify the categories of persons

entitled to special protection under international law and state that, in other cases, the obligation of States applied only to persons specified in an international convention to which they were parties and in so far as that convention guaranteed special protection to the persons concerned. The notion of "special protection" should itself be defined if the proposed convention was to have a balanced and effective application.

42. Article 2 was drafted in such a way that the offence which it described might have no connexion with the status of the victim; that seemed to run counter to the Commission's objective. Moreover, the definition of the offence was so broad that it could encompass petty offences. In certain legal systems, the French for example, the notions of attempt and complicity did not exist with regard to petty offences; thus, the application of article 2, paragraph 1, subparagraphs (*d*) and (*e*) would raise awkward technical problems. The last part of paragraph 1 should be deleted, since it touched on questions of jurisdiction which should not be part of the definition of the offence. Her delegation also had reservations with respect to article 2, paragraph 2, which provided for severer penalties by virtue of the special status of the victim of the crime. As to article 2, paragraph 3, account should be taken of the fact that the courts of a State other than that in which the crime had been committed would have less information and less material on which to base a judgment than in the case of the unlawful seizure of aircraft. The establishment of universal or quasi-universal jurisdiction seemed possible only for offences of exceptional gravity, and not for the offences referred to in paragraph 1, which were of widely differing degrees of gravity.

43. Her delegation was uncertain about the exact scope of article 3, particularly subparagraph (*b*), and believed that the obligations of States under that article should be defined more precisely so as to ensure certainty in treaty relations.

44. Her delegation would have preferred to see articles 5 and 7 reproduce the provisions of articles 6 and 8 of the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague in 1970,[3] which it considered more satisfactory. In particular, it wondered whether the drafting changes made to the article relating to extradition would not have the effect of introducing a change of substance, and also had reservations concerning paragraph 4 of that article. It would like to see article 9 deleted because of the great differences existing in national legislation in the matter of statutory limitations.

45. Her delegation had no objections to the text of article 4, article 6—subject to its comments concerning the establishment of new kinds of jurisdiction—or articles 10 and 11.

46. Her observations would be reproduced in greater detail in the written statement which her Government would submit if the Commission's invitation to that effect was taken up.

47. In any event, the link between the draft articles prepared by the Commission and the draft convention on terrorism submitted by the United States (A/C.6/L.850) should be examined carefully, since those two subjects might overlap.

Mr. Suy (Belgium) took the Chair.

48. Mr. VIALL (South Africa) said that he would confine himself to a few preliminary remarks on the draft articles on the question of the protection of diplomats, submitted by the Commission, but reserved his right to comment at a later stage on the draft articles on succession of States in respect of treaties. If measures were not taken to prevent and punish them, there might be a fresh outbreak of crimes against diplomatic agents, for their perpetrators considered them a particularly effective means of gaining certain material advantages or of publicizing their cause. At the present time, States were admittedly taking particular care to fulfil their obligations in that regard, but their efforts could not succeed as long as the perpetrators of the crimes were able to take refuge in a third country. The international community should act together to prepare a convention which would guarantee international protection to persons who were entitled to it. Such an instrument should be drafted in such a way as to command wide acceptance. In that respect, there could be no objection to the draft prepared by the Commission, which deserved highest praise both for the quality of its work and the speed with which it had been completed. The draft articles largely met the objections which certain States had put forward in their written comments. It would serve as a good working basis for the drafting of a convention.

49. His delegation supported the Philippine request that ministers for foreign affairs should be included among the categories of persons enjoying unrestricted international protection. The definition of the offence given in article 2 was perhaps too general, but the Commission had certainly been right to avoid too precise a definition of terms so as to permit each State to utilize existing definitions in its own internal law. His delegation agreed that States should be obliged either to prosecute or to extradite and that political crimes should be included in the scope of the draft. However, it had reservations with respect to article 12, for it feared that the inclusion of a provision concerning the settlement of disputes might reduce the number of States likely to accede to the convention.

50. Mr. RYBAKOV (Secretary of the Committee) said that he had been informed by the Gilberto Amado Memorial Lecture Advisory Committee that the English and French texts of the lecture delivered by Judge Eduardo Jiménez de Aréchaga was in the process of printing and that a number of copies of the text would be made available to any interested persons before the end of the session.

[3]International Civil Aviation Organization, document 8920.

The meeting rose at 12.35 p.m.