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**Chairman:** Mr. Alberto HERRARTE (Guatemala).

**AGENDA ITEM 56**

Diplomatic intercourse and immunities (A/3859 and Corr.1, A/4164 and Add.1 to 7, A/C.6/L.455 and Add.1 and 2, A/C.6/L.456 and Add.1, A/C.6/L.457/Rev.1 A/C.6/L.458) (continued)

1. U MAUNG MAUNG (Burma) said that the proposal for a separate conference on diplomatic intercourse and immunities had been strongly supported by the Chairman of the International Law Commission and the Legal Counsel. Accordingly, the Burmese Government, although it would have preferred the task to be done by the Sixth Committee, with the attendant saving in men and money, would gladly associate itself with the advocates of a separate conference. A single conference on diplomatic intercourse and immunities, consular intercourse and immunities, and *ad hoc* diplomacy was not feasible; for while the subjects sounded similar and were treated together in the textbooks, for the sake of convenience, such similarity was of no great help in the drafting of a code, where each article on each subject had to be weighed and worded with special care. His delegation had no strong feelings about the place of the conference, and would abide by the decision of the majority.

2. So far as concerned the question of participation, he felt that international law and practice could not be firmly built on the quicksand of majority votes; universality and unanimity, although difficult to achieve, should be the Committee's goal. Regarding the two proposals before the Committee (A/C.6/L.456 and Add.1 and A/C.6/L.457/Rev.1), he wished to ask the Legal Counsel the following questions: first, how would the Secretariat interpret the expression "all States" in the second proposal? In other words, which States would be invited under that formula and not invited under the other proposal? Secondly, would the Secretariat look to the Sixth Committee for guidance in interpreting the formula, or was there an established interpretation? Thirdly, which of the two proposals corresponded to the accepted practice in connexion with previous conferences?

3. Mr. STAVROPOULOS (Legal Counsel) replied that under the formula "all States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice", the roll of States to be invited would be a matter of established practice. As to the States

covered under the formula "all States", there was no sure guide: it would be difficult to say whether or not certain countries were States and whether or not they were recognized. Some further information on that point from the sponsors of the proposal contained in document A/C.6/L.457/Rev.1 would be useful; they must surely have certain States in mind. He would make no further comment, as he felt that the questions involved were political rather than legal.

4. Mr. SEYERSTED (Norway) said that the decision to have a convention had been made at the last session of the General Assembly; thus the only question before the Committee was a procedural one, "the question to what body the formulation of the convention should be entrusted", to cite resolution 1288 (XIII). According to certain speakers at the previous meeting, the International Law Commission had recommended, and indeed the General Assembly had decided, that the convention should be elaborated at a diplomatic conference. He had found no indication of such a recommendation or decision in the report of the International Law Commission or the resolution of the General Assembly. On the contrary, the passage of resolution 1288 (XIII) which he had quoted clearly left the decision on what body should formulate the convention to be made by the General Assembly at the present session.

5. Three ideas had been put forward on the subject: that the convention should be elaborated by the Sixth Committee during the next session of the General Assembly; that a diplomatic conference should be convened for the purpose in 1960 or 1961; and that the question of diplomatic intercourse and immunities should be examined together with the subjects of consular intercourse and immunities and *ad hoc* diplomacy at a diplomatic conference to be held at a later date.

6. The draft articles before the Committee to a great extent embodied rules of established customary international law, and many of them did not involve controversial problems. The work of turning them into a convention could not be compared with that of drafting the Convention on Genocide or the covenants of human rights, both of which had involved pioneer work in fields not previously the subject of precise rules of international law. His delegation doubted if the task was of sufficient magnitude to justify the calling of a special diplomatic conference. It had therefore not supported the joint draft resolution (A/C.6/L.455 and Add.1 and 2).

7. If the majority of the Committee wanted the problem of diplomatic intercourse and immunities to be dealt with separately and quickly, his delegation felt that the Committee should itself take up the matter at the next session. The Legal Counsel had indicated the practical difficulties involved, speaking on the assumption that the work would be done in its entirety in the full Committee. While the Norwegian delegation did not underestimate those difficulties, it assumed that the Committee, if it took up the question, would put

the item first on its agenda, and after a brief general discussion would appoint a sub-committee to work on it while the Committee considered the other agenda items. That procedure had been adopted with great success at the second session of the General Assembly, when three sub-committees had drafted the Convention on the Privileges and Immunities of the Specialized Agencies, the Statute of the International Law Commission and the revised rules of the procedure of the General Assembly, all of which instruments had been approved by the Sixth Committee despite the number of other important and controversial items on its agenda.

8. If the Committee should nevertheless decide to convene a diplomatic conference, his delegation would prefer to await the drafts on consular intercourse and immunities and *ad hoc* diplomacy, so that they could be examined with the draft on diplomatic intercourse and immunities at a single conference. A single conference would in the long run be an economy for all concerned. Moreover, the relationship between the three subjects was so close that it would be worth waiting for the completion of the two remaining drafts. There would be no hardship in doing without a convention on diplomatic intercourse and immunities for a few more years; the subject was already to a great extent covered by established rules of customary international law, and the draft articles formulated by the International Law Commission offered a handy reference code for foreign offices.

9. Hence his delegation would support, in preference to the proposal offered in the joint draft resolution, either the drafting of a convention by the Sixth Committee or the calling of a conference on the three drafts at a later date. Indeed, those two ideas could advantageously be combined; the Committee could prepare a draft convention at its next session and submit it to Governments for their consideration and use as a reference code until such time as it could be drafted in final form together with the conventions on consular intercourse and immunities and *ad hoc* diplomacy. The Committee could decide at the fifteenth or sixteenth session whether to take up the other two drafts or to refer them to a diplomatic conference. In either case, costs would be reduced, the major work on one or more of the conventions having been done in the Committee. At the same time, such changes could be made in the first convention as proved to be desirable during the formulation of the other two conventions or during its practical application in the intervening period by Governments.

10. The CHAIRMAN announced that Indonesia wished to join in co-sponsoring the proposal contained in document A/C.6/L.457/Rev.1.

11. Mr. BHADRAVADI (Thailand) observed that during the debate on the report of the International Law Commission his delegation had supported the view put forward by Sir Gerald Fitzmaurice: that Governments should be given a period of at least two years in which to submit their comments on the draft articles adopted by the Commission. Because they lacked a sufficient number of qualified experts, Governments of small countries such as his often found it impossible to give due consideration to such articles within the short period of one year. Thus, his Government had communicated his comments on the draft articles on diplo-

matic intercourse and immunities to the Secretary-General only a few days ago.

12. His Government approved the draft articles in principle, and believed that they offered a sound basis for an international convention. It had submitted observations and recommendations on some of the articles, and had no doubt that they would be given due consideration. His delegation saw no reason why a conference should not be convened as soon as practicable; it had no preference as to where it should be held, so long as any undue burden on the United Nations budget was avoided.

13. Hence, his delegation fully supported the joint draft resolution and the proposal contained in document A/C.6/L.456 and Add.1. The Legal Counsel's statement had strengthened the Thai delegation in its opinion that clear indications should be given regarding the States to be invited to the conference; it would therefore vote against the text proposed in document A/C.6/L.457/Rev.1.

14. Mr. DADZIE (Ghana) said that the item before the Committee was of great practical significance to his country. Ghana, though it was only two years old, had established diplomatic missions in many countries and had endeavoured to make "Ghana away from Ghana" a familiar feature abroad. It would continue to add to its missions until it was well represented throughout the world.

15. His delegation had no strong views on whether the convention should be drafted by the Sixth Committee or by a diplomatic conference, but was inclined to accept the Legal Counsel's statement that it would not be feasible for the Sixth Committee to do the work. It would therefore continue to support the joint draft resolution and the proposal contained in document A/C.6/L.456 and Add.1. His delegation expressed the hope that the proposed conference would receive unanimous support in the Committee, and that, should the Austrian Government extend an invitation, the General Assembly would find it possible to accept it.

16. Mr. DABBAGH (Saudi Arabia) agreed with the arguments voiced by the representatives of the United Arab Republic and Romania at the 633rd meeting in favour of the calling of a conference on diplomatic intercourse and immunities at an early date. His delegation gladly supported the joint draft resolution; it had no preference as to the time and place of the conference.

17. Mr. RAFIK (Afghanistan) felt that there was no valid reason for deferring the elaboration of an international convention on diplomatic intercourse and immunities. Such a convention would be of great value to the international community, and would contribute to the improvement of international relations. His delegation reaffirmed the opinion it had stated last year, that the convention should be drafted at a diplomatic conference. While it would abide by the majority decision regarding the site of the conference, it preferred New York, which would be easier and more economical, especially for the smaller countries, and offered more extensive conference facilities. Moreover, the figures provided by the Secretary-General in his note (A/C.6/L.458) showed that the cost would be greatly reduced if the conference was held in New York.

18. Mr. SHARDYKO (Byelorussian Soviet Socialist Republic) said that at its last session the General Assembly, in resolution 1288 (XIII), had recognized the need for calling a conference at the earliest possible date to draft a convention on diplomatic intercourse and immunities, and many delegations to the Sixth Committee had reached the conclusion that the basis for such a convention should be the draft articles prepared by the International Law Commission. The only remaining question was what body should be assigned the task of formulating the convention. Last year, some delegations had advocated a diplomatic conference like the United Nations Conference of the Law of the Sea at Geneva in 1958; other delegations had felt that the convention should be drafted by the Sixth Committee, and others had proposed that the work should be carried out by a special committee elected by the General Assembly. At the present session, however, an overwhelming majority of delegations had come to the view that the best procedure would be to call a diplomatic conference.

19. His delegation believed that a convention on diplomatic intercourse and immunities would be a significant advance in the codification of international law, which by providing favourable conditions for the work of diplomatic representatives would promote friendly relations between States. Hence it could not agree to the conference being put off indefinitely. Of course, diplomatic and consular intercourse and immunities were closely interconnected subjects; but links could be found between all branches of international law. Moreover, there were considerable difficulties, as the Legal Counsel had explained, in working out a convention on several subjects at the same time. Accordingly, his delegation felt that a conference should be called not later than 1961, and would continue to support the joint draft resolution.

20. On the matter of participation in the conference the proposal contained in document A/C.6/L.456 and Add.1 was wrong in principle; all States had the right to participate in international conventions, especially when the subject was of universal interest. To exercise discrimination in that respect would not contribute to the progressive codification of international law. His delegation would support the text proposed in document A/C.6/L.457/Rev.1.

21. Mr. ESCOBAR (Colombia) reaffirmed his delegation's opinion that a diplomatic conference would be justified only if it could consider at the same time rules concerning ad hoc diplomacy and consular intercourse and immunities. Matters which were closely linked should be considered simultaneously, in the interests of uniformity. Diplomatic intercourse and immunities were at present governed by the rules of common law and of the Havana Convention of 1928; no difficulties had arisen in applying those rules and he could see no reason for excessive haste. A partial solution would be neither wise nor desirable. To hold conferences at a later date on consular intercourse and immunities and on ad hoc diplomacy would involve further delay and additional cost, both for the United Nations and for Member States. On the other hand, further discussion of the draft articles on diplomatic intercourse and immunities would give new States an opportunity to express their views and might produce useful amendments. Colombia agreed with the calling of a diplomatic conference in principle, but could not support the joint draft resolution.

22. Mr. USTOR (Hungary) said that the joint draft resolution corresponded entirely to his delegation's views. The codification and progressive development of international law was one of the essential tasks of the United Nations laid down in Article 13 of the Charter. Even in 1949, at its first session, the International Law Commission had considered the codification of the law of diplomatic intercourse and immunities to be desirable and feasible (A/925, para. 16), and his delegation believed that the work should begin at the earliest possible date. To delay it until draft articles had been formulated on consular intercourse and immunities, and possibly also on ad hoc diplomacy, would simply retard the codification of international law and would complicate the work of the proposed conference.

23. The statement of the Legal Counsel at the preceding meeting had made it clear that the drafting of a convention on diplomatic intercourse and immunities was a task which could not possibly be carried out in the Sixth Committee. Accordingly, an international conference should be convened for the purpose. The International Law Commission's draft articles (A/3859 and Corr.1, para. 53) would provide a suitable basis for the work of the conference and for the conclusion of a universal convention on the subject.

24. As his delegation favoured the broadest possible participation in the conference, it would vote in favour of the proposal contained in document A/C.6/L.457/Rev.1 and against that set forth in document A/C.6/L.456 and Add.1.

25. Mr. EL-ERIAN (United Arab Republic) said that his delegation maintained the position it had stated in the Sixth Committee (574th meeting) during the thirteenth session of the General Assembly: that the conclusion of a convention on diplomatic intercourse and immunities would contribute to the progressive development of international law, and that the task of drafting such a convention should be assigned to a diplomatic conference of plenipotentiaries.

26. The International Law Commission's draft articles on diplomatic intercourse and immunities were generally acceptable to his delegation. However, he would explain his Government's views on the articles in greater detail at the appropriate time.

27. He supported the joint draft resolution, of which his delegation was a co-sponsor. As to participation in the conference, his delegation felt that at law-making conferences universal participation was desirable. Moreover, such participation would ensure the maximum usefulness of the international convention concluded. For that reason, his delegation supported the proposal contained in document A/C.6/L.457/Rev.1.

28. Mr. ZAITON (Federation of Malaya) commended the International Law Commission on the high quality of its draft articles on diplomatic intercourse and immunities, which would provide a sound basis for the conclusion of a convention. In his delegation's view, the work of codification could best be carried out by a conference of plenipotentiaries. Most of the arguments in support of that view had already been put forward, and met all the objections advanced. Accordingly, his delegation had co-sponsored the joint draft resolution.

29. As to the question where the conference should be held, he wished to point out that while United Nations



expenditure was an important consideration, an equally important consideration, at least for his delegation, was whether the place chosen would involve more or less expense for his own Government. He would prefer the conference to be held in Europe, which was nearer his own country than New York, and at Vienna, as it seemed that living costs in that city were lower than in New York or Geneva. In voicing those sentiments he was sure he would be supported by other countries whose financial means were not unlimited.

30. Sir Gerald FITZMAURICE (United Kingdom) said that his Government had originally doubted whether a convention on diplomatic intercourse and immunities was needed at all. Practice in the matter had seemed well understood, and customary rules existed. His delegation had thought that a code drawn up on the basis of the International Law Commission's draft articles might well suffice if its general outline was approved by the General Assembly. On reflection, and in view of operative paragraph 4 of General Assembly resolution 1288 (XIII), his delegation had changed its views.

31. The paragraph he had referred to spoke of the early conclusion of a convention, which implied that work should be started on a convention on diplomatic intercourse and immunities without awaiting the drafts on other related subjects. While there was a close relationship, in certain respects, between diplomatic intercourse and immunities and consular intercourse and immunities, the existence of such a relationship did not make consideration of the two subjects at a single conference indispensable. It was the law of diplomatic intercourse and immunities that impinged on consular intercourse and immunities, not the reverse, and the International Law Commission would thus be able to take the convention on diplomatic intercourse and immunities into account in its work on consular intercourse and immunities. When the draft articles on consular intercourse and immunities were put before the General Assembly, they would already have been co-ordinated by the International Law Commission with the completed work on diplomatic intercourse and immunities.

32. *Ad hoc* diplomacy and relations between international organizations and between such organizations and States were subjects in their own right. Although it would be possible to consider *ad hoc* diplomacy in conjunction with diplomatic intercourse and immunities, it would probably be better in the long run to deal with the matter separately. His delegation therefore now fully supported General Assembly resolution 1288 (XIII) and was consequently also able to support the joint draft resolution before the Committee.

33. If a convention was to be concluded, the next question that arose was what body was best suited for the task of drafting it. Some delegations considered that the Sixth Committee should form itself into a drafting conference, and the Norwegian representative had advanced extremely cogent arguments in support of that view. The United Kingdom delegation, however, felt that a convention would better be prepared by a separate diplomatic conference called specifically for the purpose; such a conference, since its attention would be focused on one subject and one only, would be able to deal with the matter more objectively than a Committee of the General Assembly. In the General Assembly it was difficult to dissociate the work of one Committee from the work of another and from

General Assembly politics in general. Although the Norwegian representative had cited a precedent for his case, it had to be remembered that the procedure he advocated had been more feasible in earlier years, when membership of the United Nations had been smaller and the pressure of work less intense. At the present time, the General Assembly preferred to avoid the establishment of sub-committees of the kind which would undoubtedly be required for the preparation of the convention. At least two sub-committees would be needed, one of which would have to meet in the morning and the other in the afternoon, in addition to the regular meetings of the Sixth Committee itself. It was doubtful whether it would be physically possible during the General Assembly to make arrangements for such an extra burden of work, with Main Committees of the Assembly meeting regularly twice a day. Even in 1948, when the Sixth Committee had formed itself into a conference for the conclusion of the Convention on Genocide, there had been some difficulty in finding time for meetings on the other items on the Committee's agenda. For those reasons, his delegation preferred the convening of a special conference.

34. As to the place of meeting of the conference, there were two considerations involved: one, of cost—which was primarily the Fifth Committee's responsibility—and the other, of policy, on which the Sixth Committee could usefully express its views. There were strong reasons against holding the conference in New York. At New York, it would be liable to be affected by United Nations politics, even if it were held outside the sessions of the General Assembly; a conference held away from Headquarters would be able to work with greater objectivity. Some delegations had argued that the fact that the permanent missions to the United Nations were stationed in New York would make it easier to convene the conference in that city. Most countries, however, were also represented at Geneva. Again, the conference would have to be attended by experts; although the subject was a familiar one, it none the less had certain technical aspects on which expert advice would be required, and different experts might be required for different points. There was therefore good reason for holding the conference in a city which was easily accessible for a majority of countries. Geneva was nearer than New York for some two-thirds of the States of the world, and should be preferred. He suggested a solution similar to that applied in connexion with the United Nations Conference on the Law of the Sea: the Committee would first (subject to financial considerations) rule out New York, and then leave open the question of where else the conference should be held, the final decision being left to the Secretary-General in the light of later developments.

35. Another important point was participation in the conference. He had welcomed the Burmese representative's question about the meaning of the expression "all States" used in document A/C.6/L.457/Rev.1. In theory, an invitation extended to "all States" would be excellent, but in practice it would involve difficulties; the expression was vague and controversial, and there would be differing views on what it implied. The virtue of the phrase used in the other proposal (A/C.6/L.456 and Add.1) was that it would be entirely clear which States would attend the conference. He would therefore support the latter proposal.

36. With reference to paragraph 8 of the Secretary-General's note (A/C.6/L.458), he asked the representative of the Secretary-General whether an eight-week period would really be necessary for the conference. Eight weeks had been allowed for the Conference on the Law of the Sea, and that Conference had been able to conclude its work in nine weeks although it had had seventy-two articles to consider, covering very divergent matters. The projected conference would have to deal with only forty-five articles, of a far more homogeneous nature than those dealt with by the Conference on the Law of the Sea. A period of six weeks would therefore probably be ample.

37. Paragraph 8 of the Secretary-General's note, moreover, seemed to imply that the conference would meet only twice daily, and always in plenary. It might be preferable, however, after a short general debate, to refer various groups of articles to committees. The subject seemed to be readily divisible into several parts, and if two committees could meet simultaneously, twice a day, the work of the conference might be speeded up considerably. The Conference on the Law of the Sea would never have been able to finish its work in time if it had not adopted that procedure. The Committee should also remember that representatives attending a special conference could give the matter under discussion their undivided attention; thus, the programme of meetings envisaged in the Secretary-General's note seemed somewhat inadequate. If the provision of facilities for more meetings involved a substantial increase in cost, the United Kingdom delegation would certainly take that factor into account; at most other conferences, however, arrangements for holding simultaneous meetings had presented no difficulty.

38. Mr. STAVROPOULOS (Legal Counsel) said that the experts who had been asked to estimate the duration of the conference had concluded that the elaboration of the convention would require eight weeks. The Conference on the Law of the Sea had only been concluded in nine weeks because of the emergency measures taken during the last month. Since it could not reasonably be assumed that such measures would again be taken as a matter of course, the safer approach would be to set aside eight weeks and to hope that the work would in fact be completed in a shorter period.

39. As to the frequency of meetings, the Conference on the Law of the Sea had been very elaborately prepared, in view of the complexity of its subject-matter, and States had implicitly agreed in advance to send delegations large enough to ensure attendance at all committees. So far as the conference on diplomatic intercourse and immunities was concerned, there was no guarantee that States would be prepared to make similar financial sacrifices. Moreover, the law of the sea was much more readily divisible into separate topics. If delegations wished, however, to provide for more meetings than those envisaged in the Secretary-General's note, he would willingly obtain a further statement of financial implications.

40. Mr. EL-ERIAN (United Arab Republic) asked the Legal Counsel whether the Secretariat would carry out the necessary preparations to ensure that States invited to the conference were given an adequate idea of the proposed programme of meetings, the rules of procedure, and the like.

41. Mr. AMADO (Brazil) stressed that the major part of the subject-matter had already been effectively disposed of by the International Law Commission. The draft articles consisted, for the most part, of a restatement of known rules of customary international law, and few of them should necessitate lengthy discussion. Many of them, in fact, were so non-controversial that they needed virtually no debate whatever. At the very most, there remained only four or five possible areas of disagreement.

42. As could be seen from the International Law Commission's records, the entire question had been discussed in that body with the utmost objectivity, and jurists representing very different legal systems had experienced no difficulty in arriving at an understanding. In those circumstances, the period of eight weeks and the programme of meetings contemplated in the Secretary-General's note seemed more than adequate.

43. Mr. STAVROPOULOS (Legal Counsel), replying to the representative of the United Arab Republic, pointed out that paragraph 5 of the joint draft resolution requested the Secretary-General to present to the conference all relevant documentation and recommendations concerning its methods of work and procedures. The Secretary-General had every intention of complying with that request at an early date, and his suggestions would, of course, include draft rules of procedure.

44. So far as the duration of the conference was concerned, he had been impressed by the fact that two members of the International Law Commission believed that eight weeks might be excessive. On the other hand, a cautious estimate would at least eliminate all risk.

45. The arguments advanced by the United Kingdom representative in favour of holding the conference in Europe were persuasive; the Committee should not forget, however, that the best facilities could be offered at Headquarters, where the technical services were organized on a permanent basis.

46. Mr. DOUC RASY (Cambodia) said that the question whether the conference should be held in the immediate future, to deal solely with the question of diplomatic intercourse and immunities, or whether it should be postponed until it could consider the International Law Commission's drafts on consular intercourse and immunities, *ad hoc* diplomacy and the right of asylum, deserved the closest attention. Representatives who believed that all four questions should be considered simultaneously had stressed the close relationship between them. A clear link undoubtedly existed, since the rules relating to each of those questions had the common feature of constituting exceptions to the principle of the competence of the State. The mere existence of such a link, however, might not in itself be a sufficiently compelling reason for putting off the elaboration of the convention on diplomatic intercourse and immunities. The Committee must also probe the nature of the link, and try to determine whether that link would influence some of the other questions. If the relationship was not one of mutual interaction, the subjects could be dealt with separately; on the other hand, if separate consideration of the specific subjects would inevitably have repercussions on some of the others, it would be necessary to put off a decision on the latter until consideration of the former subjects had been completed. In brief, if there was any serious likelihood that subsequent study of the questions of

consular intercourse and immunities, ad hoc diplomacy and the right of asylum would reveal the need for a revision of the convention envisaged in the joint draft resolution, the drafting of that instrument should be postponed; but if that possibility could be ruled out, any decision to delay the conclusion of the convention would be absurd. The Cambodian delegation, as one of the sponsors of the joint draft resolution, would agree to a postponement only if the indivisible nature of the four subjects in question was conclusively proved.

47. Mr. ZABIGAILO (Ukrainian Soviet Socialist Republic) recalled that at the thirteenth session of the General Assembly his delegation had expressed the view in the Sixth Committee (568th meeting) that the International Law Commission's draft articles on diplomatic intercourse and immunities could serve as a basis for a convention, constituting as they did a statement of principles applied by States since time immemorial. Such a convention would do a great deal to improve international relations on the basis of peaceful co-existence. He would accordingly support the joint draft resolution.

48. There was admittedly a close relationship between diplomatic intercourse and consular intercourse, as also between each of those subjects and various other branches of international law. The codification of the two subjects, however, could well be undertaken independently. The draft on consular intercourse and immunities would not be ready for several years, particularly since the International Law Commission had been prevented from completing its first report on that subject at its eleventh session.

49. As to the question which States should be invited to the conference, the proposal contained in document A/C.6/L.456 and Add.1 sought to limit the invitation to States Members of the United Nations, States members of the specialized agencies and parties to the Statute of the International Court of Justice. That disregarded the vital interests of States which were not yet represented in certain international organizations. Every State, however, as a subject of international law, had the right, a right stemming directly from the principle of State sovereignty, to take part in the formulation of international agreements and to be a party thereto. The sponsors of the text proposed in document A/C.6/L.456 and Add.1 had failed to adduce a single valid argument for the limitation they proposed, and the Charter certainly did not provide that States which were not Members of the United Nations or members of a specialized agency were automatically disqualified for attending conferences held under United Nations auspices. The primary purpose of the United Nations being to ensure respect for the provisions of the Charter on the part of all States, every such conference should be open to all nations. The Ukrainian delegation would therefore support the text in document A/C.6/L.457/Rev.1, which was designed to ensure the participation in the proposed conference of all States without restriction.

50. The CHAIRMAN pointed out that Portugal had been wrongly included among the sponsors of the proposal contained in document A/C.6/L.456 and Add.1. The error would be rectified immediately.

51. Mr. AZEHARIE (Indonesia) said that at the last session of the General Assembly the Indonesian dele-

gation had stressed in the Sixth Committee (576th meeting), the importance it attached to the codification of international law in general and of the principles relating to diplomatic intercourse and immunities in particular. A convention on that subject would be an important advance in the progressive development and codification of international law, and would promote co-operation between States. He accordingly welcomed the joint draft resolution, which seemed to reflect both the views expressed at the current session and those advanced before the adoption, by an overwhelming majority, of resolution 1288 (XIII). Since the adoption of that resolution, Governments had had time to study the International Law Commission's draft articles in detail, and paragraph 7 of the joint draft resolution rightly proposed that that draft should serve as the basis for the eventual convention.

52. The debate in the Sixth Committee at the General Assembly's thirteenth session, as well as the wide geographical distribution of the sponsors of the joint draft resolution, indicated clearly that the majority of Governments desired a conference in the immediate future. He could not, therefore, agree with the view that the conference should be put off until the International Law Commission had completed its draft on consular intercourse and immunities, and even that on ad hoc diplomacy. The three subjects were admittedly related, and their simultaneous consideration might indeed offer some advantages. The suggested postponement, however, would delay the convention on diplomatic intercourse and immunities for several years.

53. As to the place of meeting of the conference, the Committee had undoubtedly been greatly assisted in its discussion by the Legal Counsel's explanation of the Secretary-General's note on financial implications (A/C.6/L.458). The Indonesian delegation had no special preference for any of the three places suggested, but hoped that the Committee's decision would reflect the need not only for the early conclusion of the convention but also for economy in the attainment of that objective.

54. So far as participation was concerned, the Indonesian delegation had always believed that law-making conferences should espouse the principle of universality, both in order to secure the widest observance of the new rules and in order to avoid friction. The text proposed in document A/C.6/L.456 and Add.1 sought to limit attendance and to exclude a number of States. All States, however, had a vital interest in the subject and should be given every opportunity to contribute to the final codification of the relevant rules. The very purpose of a convention on diplomatic intercourse and immunities being to promote friendly relations, discrimination against specific States would be wholly out of place. The expression of hope embodied in operative paragraph 8 of the joint draft resolution seemed to suggest that the desire for universality was shared by its sponsors, while international co-operation and world peace could be secure only through the total removal of all the unnecessary obstacles which still separated certain States. His delegation would accordingly support the proposal contained in document A/C.6/L.457/Rev.1, which would guarantee not only the success of the conference but also the subsequent observance of the convention by all nations.

The meeting rose at 6 p.m.