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**President:** Mr. Víctor A. BELAUNDE (Peru).

**Decision concerning the procedure of the meeting**

*Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Sixth Committee.*

**AGENDA ITEM 56**

**Diplomatic intercourse and immunities**

**REPORTS OF THE SIXTH COMMITTEE (A/4305) AND OF THE FIFTH COMMITTEE (A/4309)**

*Mr. Shardyko (Byelorussian Soviet Socialist Republic), Rapporteur of the Sixth Committee, presented the report of that Committee.*

1. The **PRESIDENT** (translated from Spanish): Members of the General Assembly are reminded that they have before them a report of the Fifth Committee [A/4309] on the financial implications of the draft resolution recommended by the Sixth Committee [A/4305].

2. Mr. **COCKE** (United States of America): The delegations of Ceylon, Czechoslovakia, Indonesia, Poland and Romania have sponsored an amendment [A/L.271] to the draft resolution adopted by the Sixth Committee on 20 November 1959 and contained in its report [A/4305]. This amendment would change operative paragraph 3 of the draft resolution so that all States would be invited to attend the Vienna conference on diplomatic intercourse and immunities. The United

States delegation is strongly opposed to this amendment, which would complicate the work of the Secretary-General in convening that conference and create an area of political controversy highly damaging to its success. As we indicated during the debates on this question in the Sixth Committee, the formula "States Members of the United Nations and the specialized agencies and States parties to the Statute of the International Court of Justice" is in accord with the previous practice of the General Assembly in inviting States to attend legal conferences.

3. As is indicated in the report of the Sixth Committee, paragraph 3, submitted to the Committee as an amendment to the original draft resolution, was voted upon by roll-call vote, and was adopted by 51 votes in favour to 21 against, with 7 abstentions. When the amendment now before us is put to a vote, we request that the vote be taken by roll-call.

4. Mr. **MACHOWSKI** (Poland): On behalf of the delegations of Ceylon, Czechoslovakia, Indonesia, Poland and Romania, who have submitted an amendment [A/L.271] to the draft resolution on diplomatic intercourse and immunities adopted by the Sixth Committee, I am privileged to say a few introductory words in order to explain the aims and reasons of this proposal.

5. The conference which, according to the draft resolution before us, is to be held not later than the spring of 1961, will have to solve many important and very complex problems connected with diplomatic intercourse and immunities which are of the utmost importance to the contemporary and world-wide system of international co-operation. Moreover, according to operative paragraph 1 of the draft resolution, the results of the work of the conference will be embodied in an international convention. We consider that the problem of the proper content, character and future development of diplomatic intercourse and immunities is of vital importance and concern to all States, and not just to some, because all States, not only some of them, are maintaining diplomatic relations with other countries. The intention of making the proposed convention truly universal is very clearly discernible in the records of our previous debates. To close the doors of this conference to States which are not Members of the United Nations or members of the specialized agencies and States parties to the Statute of the International Court of Justice, as is now provided for in operative paragraph 3 of the draft resolution, would not only be unjust but also contrary to the general aims of the future convention and of the conference itself.

6. We consider that only those conventions on diplomatic intercourse and immunities which are acceptable to all existing States would have a real, historic significance, and only such conventions would become the source of universally recognized and binding diplomatic law. We seriously doubt whether it would be possible later to request the recognition and application of the new rules of diplomatic law by the very

same States which were deliberately deprived of the right and the possibility of presenting their views on this matter.

7. We would do equal harm to ourselves and to our Organization if we rejected in advance the valuable contribution which some of these countries might bring into our common task. Having in mind these objectives, we would like to avail ourselves of this opportunity to appeal once again to the Members of this Assembly and request support for the amendment before us. The adoption of this amendment would enable all countries to participate in the proposed conference at Vienna and to contribute to our common effort to make the future diplomatic law truly universal.

8. Mr. PERERA (Ceylon): May I add a few words to what has been said by the representative of Poland in his remarks in support of the amendment [A/L.271] moved by my delegation in conjunction with the delegations of Czechoslovakia, Indonesia, Poland and Romania. It is not my intention to reargue some of these issues, which have been discussed at length in the Sixth Committee, but I would like to refer on this occasion to paragraph 18 of this Committee's report [A/4305]. In this paragraph the Rapporteur summarized the arguments of my delegation and other delegations supporting the point of view that we should invite all States to the conference to be held in Vienna in 1961. May I quote from this paragraph, for I see that our views have been very well summarized in it:

"Some representatives wanted all States to be invited. They argued that discrimination against particular States was inadmissible, gravely detrimental to the interests of the United Nations, and incompatible with the Purposes and Principles of the Charter."

9. I could not agree more with that brilliant summary. I should also like to say, however, that the subject of this proposed conference on diplomatic intercourse and immunities is of such vital importance as to place us in a position where we should not discriminate. It is, in fact, perhaps the greatest opportunity we have had in the last fifteen years for inviting all States. It is a subject in the discussion of which all States should participate, for all are equally concerned with it. It is a subject which lends itself to analysis in terms of all the States of the world, not a particular group of States. Above all, it is in keeping with the spirit of Article 13 of the Charter.

10. It is on that basis that we ourselves discussed this subject of diplomatic intercourse as conducive to the progressive development of international law. I would also like to say in support of this that we are now living in an era of coexistence of States with differing political, economic and social systems which have to look at problems in their own particular ways. We have to find common bases among States with differing political, economic and social systems. What is more, as far as pure jurisdiction, pure law, is concerned, the coexistence of States is not only an acceptable proposition for the world, but also the only proposition which, I submit, would be conducive both to the upholding of the principles of the Charter, and also to the achievement of full well-being for mankind.

11. May I, in connexion with this, state the position of my Government, that the coexistence of States is not only the first principle of our own country but also the last article of our creed, and I would therefore even at

this stage, ask my fellow representatives to reconsider their position on this particular operative paragraph 3 of the draft resolution recommended by the Sixth Committee and to support the amendment.

12. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): The delegation of the Soviet Union considers it necessary, before the vote, to explain its position on the draft resolution presented by the Sixth Committee and on the amendment [A/L.271] submitted by the delegations of Ceylon, Czechoslovakia, Indonesia, Poland and Romania.

13. The Soviet delegation believes that the draft resolution adopted by the Sixth Committee, proposing the convocation of a diplomatic conference at Vienna to consider the conclusion of a multilateral international convention on the question of diplomatic intercourse and immunities, is undoubtedly a step towards the establishment of rules of international law which would contribute to the successful solution of the most important problem of our time—that of ensuring peaceful coexistence and broad international co-operation among States.

14. We are gratified to see, from the discussion and voting in the Sixth Committee that the idea of concluding such a convention is finding growing support among the States of Europe, Asia, Africa and Latin America.

15. We therefore hope that this conference will be fully attended by all States in the world in accordance with the request made in the draft resolution presented for the Assembly's consideration by the Sixth Committee.

16. We think however, that the draft resolution has a serious defect, in that, in our view, it embodies an incorrect decision on the question of participation in the future conference. It is a well-known fact, that whenever the question has arisen in the past of concluding a convention which was essentially universal in character, the Soviet delegation always adhered to the position that no State should, under any circumstances, be deprived of the right to participate in a conference convoked for the purpose of concluding such a convention. This principle is entirely applicable to a convention on diplomatic intercourse and immunities because of the very nature of the objectives of the convention and of the diplomatic conference to be convoked at Vienna.

17. If this conference is to be as effective as possible, all States that express a wish to do so should have the right to participate in it. In our opinion, there is absolutely no justification for the attempts to exclude particular States from international co-operation on the strength of the various artificial arguments advanced here and at meetings of the Sixth Committee against acceptance of this principle. It has been said here again and again that we must follow the so-called standard practice of the United Nations or, in other words, that States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice should be invited to the conference. The advocates of that viewpoint are in fact continuing to uphold a policy of discrimination against some States for the sole reason that the political and social system existing in these States is not to the liking of certain countries. Such a policy is seriously detrimental to the interests of international co-operation. If the United Nations values its international authority, it can no longer allow such discrimination.

18. That is why the delegation of the Soviet Union will vote for the amendment submitted by the delegations of Ceylon, Czechoslovakia, Indonesia, Poland and Romania, which provides that all States should and can participate in diplomatic conferences convoked for the conclusion of conventions on diplomatic intercourse and immunities. We urge all other delegations to support this amendment.

19. We subscribe to the statement just made from this rostrum in support of this amendment and believe that the acceptance of this solution would be an important contribution to the strengthening of international co-operation and, particularly, to the execution of the important tasks which the diplomatic conference to be convened in 1961 at Vienna will be called upon to undertake.

20. The PRESIDENT (translated from Spanish): The Assembly will now vote on the amendment, [A/L.271] submitted by Ceylon, Czechoslovakia, Indonesia, Poland and Romania, to the draft resolution recommended by the Sixth Committee and contained in its report [A/4305]. A roll-call vote has been requested.

*A vote was taken by roll call.*

*Turkey, having been drawn by lot by the President, was called upon to vote first.*

In favour: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Guinea, Hungary, India, Indonesia, Iraq, Libya, Morocco, Nepal, Poland, Romania, Sudan.

Against: Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Chile, China, Costa Rica, Denmark, Dominican Republic, Ecuador, Federation of Malaya, France, Ghana, Guatemala, Haiti, Iceland, Iran, Ireland, Israel, Italy, Japan, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Philippines, Spain, Sweden, Thailand.

Abstaining: Colombia, Cuba, Ethiopia, Finland, Jordan, Peru, Portugal.

*The amendment was rejected by 44 votes to 22, with 7 abstentions.*

21. The PRESIDENT (translated from Spanish): The Assembly will now vote on the draft resolution recommended by the Sixth Committee and contained in its report [A/4305].

*The draft resolution was adopted by 67 votes to none, with 5 abstentions.*

22. Mr. CALIC (Austria): On behalf of the Government of Austria, I wish to express our sincere appreciation to all the delegations that voted in favour of the resolution providing for an international conference of plenipotentiaries to be held at Vienna in the spring of 1961 to codify the law on diplomatic intercourse and immunities. The Government of Austria regards it as a great honour and as a special privilege to accommodate this conference in Vienna in commemoration of the Congress of 1815. It is confident that the Conference, which the General Assembly without a single dissenting vote has today decided to be convened, will be able to accomplish its task successfully, and thus mark another step forward toward ever deeper and closer co-operation among nations.

23. Mr. COHEN (Canada): My delegation, in addressing itself to the resolution with respect to the calling of a conference to deal with the codification of the principles governing diplomatic intercourse and immunities, desires to make the following brief explanation of its views.

24. The Government of Canada views with much satisfaction the work of the International Law Commission in bringing forward proposals for the codification of international law and, where in the opinion of the Sixth Committee such proposals are suitable, my Government supports the attempts to convert those proposals either into declarations of principles, general codes or multilateral conventions. My Government, however, wishes to emphasize that the choice of means to implement the recommendations of the International Law Commission for the general betterment of international law depends upon the subject matter, and there is always the possibility that multilateral treaties are suitable only in some cases while general codes or declarations of principle may be more appropriate in others.

25. With respect to the specific resolution now passed, my Government wishes to state that in its view such a conference is desirable and that the Draft Articles on Diplomatic Intercourse and Immunities prepared by the International Law Commission are eminently suitable for consideration by such a conference. In our view, however, it would have been more satisfactory if such a conference could have been assured of the opportunity to examine the doctrinally related proposals dealing with consular intercourse and immunities. This was the view expressed by a number of Member States when this matter was discussed in the Sixth Committee, and it is a view the essential correctness of which we have no doubt.

26. For the result of such an examination by a conference of the two drafts would have led to an economy in effort and a better technical view of these two related fields which, in modern diplomatic practice, tend to come closer together than they were in the earlier days of consular representation.

27. It is the hope of my Government that means may yet be found, if the International Law Commission completes the draft articles on consular immunities and diplomatic intercourse early enough, to have the conference now set for the spring of 1961 consider both the draft articles on diplomatic intercourse and consular immunities. This may not be practicable and we express this only as a hope.

28. Since we shall all dance again at Vienna, let us make sure that the music is as varied and as complete as our diplomatic and consular needs in a modern world now require.

29. Mr. HSUEH (China): My delegation abstained in the vote of the Sixth Committee on the draft resolution which has just been adopted by the plenary meeting this morning. My delegation abstained solely in the belief that it would be more economical and more convenient to consider at the United Nations, with the facilities available at Headquarters, the question of diplomatic intercourse and immunities.

30. Now, moved by the generous hospitality offered by the Government of Austria, and taking into full account the will of the majority, my delegation has voted in favour of the draft resolution of the Sixth Committee in the plenary meeting this morning. In doing so, my dele-

gation wishes to place on record the sincere appreciation of my Government for the generous offer by the Government of Austria.

31. Mr. COHEN (Chile) (translated from Spanish): My Government has always considered it essential that there should be uniformity of method and procedure in the codification of the main aspects—diplomatic and consular, and ad hoc diplomacy—of international intercourse and immunities. As nobody could deny the close connexion between the various immunities, and particularly between their diplomatic and consular aspects, my delegation emphasized in the Sixth Committee that if a conference was held it should consider both questions and, in the event of this not being possible, that the whole process of codification should be entrusted to the Sixth Committee, whereby the desired uniformity of method and procedure would be ensured.

32. As both of these proposals were rejected, my delegation abstained in Committee in the vote on the draft resolution transmitted to this plenary meeting, and has also abstained in the voting on it today. This does not mean that it is opposed to the conference just agreed upon, or that it is not grateful to the Government of Austria for its generous gesture. Although my delegation has just voted against the amendment A/L. 271 it wishes to state that, in its view, any convention on a subject of world-wide scope should be open to accession by those States which have not shared in the drafting of it. The new States which are shortly to become independent, and those not invited to the conference for temporary political reasons, must eventually conform to the general standards for diplomatic intercourse and immunities.

33. Mr. ESCOBAR (Colombia) (translated from Spanish): The delegation of Colombia stated in the Sixth Committee, at this session as at previous sessions, that it favoured an international conference on the codification of ad hoc diplomacy, diplomatic and consular intercourse and immunities, and of the immunities of international organizations. It did so because it considered that it would hardly be logical or normal for such subjects, which were so closely related, not to be treated as a whole, within the framework and under the consideration of a conference of plenipotentiaries.

34. In accordance with this view, Colombia and other States submitted an amendment to the effect that the conference should be held in 1963, so that, in the interval, the International Law Commission should have time to draft the text on consular intercourse and immunities. That was the reason why the delegation of Colombia abstained in the Committee, and in the General Assembly, from voting on the resolution adopted this morning, all the more so because there was absolutely no indication that it was so urgent to convene an international conference at such an early date to consider diplomatic intercourse and immunities.

#### AGENDA ITEM 57

Question of the publication of a United Nations juridical yearbook

##### REPORT OF THE SIXTH COMMITTEE (A/4312)

*Mr. Shardyko (Byelorussian Soviet Socialist Republic), Rapporteur of the Sixth Committee, presented the report of that Committee.*

35. The PRESIDENT (translated from Spanish): Members of the General Assembly are reminded that they have before them a letter [A/4337] from the Chairman of the Fifth Committee on the financial implications of the draft resolution recommended by the Sixth Committee [A/4312].

36. Mr. EL-ERIAN (United Arab Republic): I wish to speak briefly on the draft resolution submitted to the General Assembly by the Sixth Committee. My delegation had the pleasure of being one of the co-sponsors of the original draft resolution which was approved by an almost unanimous vote by the Sixth Committee. We are gratified that, in principle, the General Assembly will soon decide to publish a juridical yearbook. This will add to the already valuable series of publications which the Office of Legal Affairs of the Secretariat is issuing and which contributes to the cause of the development of international law.

37. My delegation wishes to take this opportunity to express its appreciation for the initiative taken by the representative of Ceylon and also for the work done by the Office of Legal Affairs of the Secretariat. We trust that the Secretariat will be furnishing us soon with an outline of the juridical yearbook which will enable us to proceed immediately with the publication of this work.

38. The PRESIDENT (translated from Spanish): We shall now proceed to vote on the draft resolution recommended by the Sixth Committee and contained in its report [A/4312].

39. Mr. ESCOBAR (Colombia) (translated from Spanish): I request a separate vote on paragraph 1 of the operative part.

40. The PRESIDENT (translated from Spanish): The representative of Colombia having requested a separate vote on paragraph 1 of the draft resolution, I shall first put that paragraph to the vote.

*Paragraph 1 was adopted by 70 votes to 1, with 3 abstentions.*

41. The PRESIDENT (translated from Spanish): We will now vote on the draft resolution as a whole.

*The draft resolution as a whole was adopted by 71 votes to none, with 2 abstentions.*

#### AGENDA ITEM 65

Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization

##### REPORT OF THE SIXTH COMMITTEE (A/4311)

*Mr. Shardyko, (Byelorussian Soviet Socialist Republic), Rapporteur of the Sixth Committee, presented the report of that Committee.*

42. Mr. MAURTUA (Peru) (translated from Spanish): Before the voting takes place, the delegation of Peru wishes to explain the vote which it is about to cast. It emerges, from the letter of acceptance by India of the Convention relating to the Inter-Governmental Maritime Consultative Organization, in annex I of the Secretary-General's report [A/4235], on agenda item 65, that India's acceptance is subject to a condition concerning the consistency of the measures which its Government might adopt with the purposes of the Convention; but it was also stated that India's acceptance

of the Convention would not have the effect of altering or modifying the legislation in force in India.

43. This declaration which is contained in the instrument of the Convention was presented and defended as a declaration of policy on the part of the Indian Government, and not as a reservation. The delegation of Peru will accordingly vote against such a criterion because it cannot accept the idea that, by any so-called statement of policy which is not a reservation, any effect can be exercised upon the purpose, integrity, operation, fulfilment or execution of treaties. The delegation of Peru considers that in this matter an important question of principle is involved.

44. The PRESIDENT (translated from Spanish): The Assembly will now vote on draft resolutions A and B recommended by the Sixth Committee and contained in its report [A/4311].

*Draft resolution A was adopted by 72 votes to 1, with 2 abstentions.*

*Draft resolution B was adopted by 74 votes to none, with 1 abstention.*

45. Mr. RAO (India): My delegation has brought this item relating to the Inter-Governmental Maritime Consultative Organization before the General Assembly as it concerns a matter of some importance and interest to my country. We should here like to express our gratitude to all delegations for the spirit

of co-operation, friendship and understanding which animated the deliberations in the Sixth Committee and enabled the adoption of nearly unanimous resolutions on this subject. We are certain that the adoption of these resolutions will enable the early regularization of our position in the Inter-Governmental Maritime Consultative Organization.

## AGENDA ITEM 58

Question of initiating a study of the juridical régime of historic waters, including historic bays

### REPORT OF THE SIXTH COMMITTEE (A/4333)

*Mr. Shardyko (Byelorussian Soviet Socialist Republic), Rapporteur of the Sixth Committee, presented the report of that Committee.*

46. The PRESIDENT (translated from Spanish): The Assembly must take a decision on the draft resolution recommended by the Sixth Committee in its report [A/4333]. Since this draft resolution was unanimously adopted by the Sixth Committee, if there is no objection, I shall consider it also unanimously adopted by the General Assembly.

*The draft resolution was adopted unanimously.*

*The meeting rose at 12.5 p.m.*

