



CONTENTS

	<i>Page</i>
Agenda item 87: Draft Convention on Special Missions ( <i>continued</i> ) . . . . .	249
Organization of the work of the Committee . . . . .	256

**Chairman: Mr. Gonzalo ALCÍVAR (Ecuador).**

**AGENDA ITEM 87**

**Draft Convention on Special Missions (*continued*) (A/6709/  
Rev.1 and Corr.1, A/7375; A/C.6/L.747, A/C.6/L.773)**

*Final clauses (continued)*

1. Mr. DADZIE (Ghana) said that Ghana and India had proposed that the right to become parties to the Convention on Special Missions should be extended to States which were parties to the two Treaties mentioned in their draft final clauses (A/C.6/L.773, annex, draft III), because they saw no reason to exclude from the Convention States entitled to be parties to those Treaties. Delegations which had accepted the formula adopted for the Treaties concerned could not justify, logically or legally, the rejection of the formula proposed by Ghana and India for the Convention on Special Missions. Under the two-stage system of multiple depositaries envisaged in the draft, the Secretary-General would not be given the responsibility—considered by some to be too great—of deciding whether a political entity wishing to become a party to a treaty or convention constituted a State. His delegation could not see why the United States representative considered that such a procedure, which had been used in the case of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, would not be suitable for the Convention under consideration.

2. Some delegations had pointed out that the so-called Vienna formula guaranteed respect for the principle of universality; they should be even happier with the formula proposed by Ghana and India, which ensured a more effective implementation of that principle. It had also been maintained that the draft submitted by Ghana and India would in fact serve the interests of a single State; yet the sole aim of the draft was to give all States the possibility of becoming parties to the Convention on Special Missions, while leaving them free to take whatever decision they saw fit in that matter. In addition, the sponsors had submitted

their draft as a means of promoting the progressive development of the principle of universality and not as an instrument to secure recognition for any political entity. The German Democratic Republic, for example, was a party to four multilateral treaties; no one contended that such participation gave that country a special status. It was therefore difficult to see how the fact that a State was a party to a multilateral treaty could constitute an attempt to solve indirectly a political problem concerning it. Ghana and India were not attempting to bolster or undermine the political position of one State or group of States; their only aim was to serve the interests of the international community. They hoped that the Committee would consider and eventually adopt their draft in that spirit. The Ghanaian delegation naturally hoped that the “all States” formula proposed by the USSR, for which it would vote, would be adopted by the Committee; however, if the USSR draft (A/C.6/L.773, annex, draft I) were rejected, it considered that the formula proposed by Ghana and India would then be an essential prerequisite for the complete attainment of the goal of universality.

3. Mr. SANCHEZ CABRAL (Dominican Republic) noted that two views had emerged from the discussion. The first was that the number of States entitled to become parties to the Convention on Special Missions should be limited, and the second was that the right to become parties should be granted unconditionally to all States. The second view, although it departed from the formula usually found in conventions of that kind, was consistent with the ideals of the United Nations, while the proponents of the first view were motivated by avowed or unavowed political reasons. His delegation would therefore vote for the USSR draft, which best corresponded to the interests of the small States, whose survival depended on the progressive development of international law. After all, because of its character and aims, the Sixth Committee should eschew political questions and endeavour to promote the long-term interests of the international community.

4. Mr. MONTENEGRO MEDRANO (Nicaragua) said that, although he had listened with interest to the arguments put forward in support of the USSR draft, he still believed that the international community had to protect itself against the behaviour of certain States, even if they were parties to various treaties and members of international organizations. Indeed, the practice followed in municipal law showed that it was not incompatible with justice or law to deprive certain individuals or legal entities of their rights or freedoms, because of the way in which they behaved. Although his delegation did not share the political misgivings which had led certain delegations to reject the “all States” formula, it nevertheless found the Vienna formula more acceptable and would therefore vote for it.

5. Mr. SOFIANOPOULOS (Greece) pointed out that, like the Vienna Conventions on Diplomatic and Consular Relations, the Convention on Special Missions dealt primarily with the immunities and privileges which should be granted to certain persons sent by one State to another. It therefore seemed logical for all those Conventions to contain similar final clauses. The drafts submitted by the USSR and by Ghana and India sought to impose, for political reasons, a quite different formula from the one adopted at Vienna. However, it should be emphasized that the Sixth Committee was concerned with legal questions and should therefore not become involved in political issues.

6. The principle of universality had been repeatedly discussed when the Conventions on Diplomatic and Consular Relations and the Convention on the Law of Treaties were being drafted and had been rejected on those occasions. From the juridical viewpoint, the international situation had not changed since the adoption of those instruments. His delegation therefore believed that the Vienna formula should be retained for the Convention under consideration and that any change made in it should, where appropriate, be applied to all similar conventions. It also wished to point out that the right accorded to the General Assembly to invite any State to become a party to a convention was not only compatible with the principle of universality but was also consistent with the provisions of Article 4, paragraph 1, of the Charter of the United Nations.

7. The natural depository of conventions prepared under the auspices of the United Nations was the Secretariat of the Organization, which had been performing its task admirably for the past twenty-four years and was doing truly remarkable work. The Greek delegation wished to lay particular stress on that fact and to assure the Secretariat of its complete satisfaction. It saw no reason in that connexion to forgo the services of the Secretariat in favour of those of selected States, which would be given special prerogatives for that purpose.

8. For those reasons, his delegation would vote for the draft submitted by France, the United Kingdom and the United States (A/C.6/L.773, annex, draft II).

9. Mr. CHAILA (Zambia) expressed wholehearted support for the principle of universality. Any treaty or convention which concerned the codification and progressive development of international law and therefore established rules affecting the entire international community should be open to all States. In that connexion, all States should be not only allowed but encouraged to become parties to a particular treaty or convention. Indeed, the principle of universality was endorsed in the Charter.

10. The Zambian Government maintained relations with various States, which were not all Members of the United Nations or parties to the Statute of the International Court of Justice. It found the draft submitted by France, the United Kingdom and the United States too restrictive; not only was that draft not based on the principle of universality but in addition, contrary to the practice followed at the United Nations Conference on the Law of Treaties, it contained no declaration requesting the General

Assembly to invite States to become parties to the Convention. For those reasons, his delegation could not support the Vienna formula. On the other hand, it welcomed the proposal submitted by Ghana and India, which was a praiseworthy effort to achieve a compromise. It would, however, be an infringement of the principle of State sovereignty to require a State to become a party to a treaty or convention before it could be a party to another instrument. A State might wish to become a party to the Convention on Special Missions but have no desire to accede to the treaties mentioned in the draft submitted by Ghana and India. His delegation could therefore not support that draft.

11. The Zambian delegation would vote for the formula proposed by the USSR, which was fully consistent with the principle of universality and with the spirit and purposes of the draft Convention on Special Missions.

12. Mr. VRANKEN (Belgium) said that logic should have counselled the solution to the problem at present facing the Committee. Since the future Convention on Special Missions was simply an extension of the 1961 and 1963 Vienna Conventions, it should contain the same final clauses as they did. The draft submitted by Ghana and India was a new and hybrid formula whose inclusion in the future Convention would be illogical; moreover paragraph 1 (b) of its article A ran counter to the interests of small- and medium-sized Powers, in that it sought to establish a custom which would enable the great Powers to impose their views.

13. The Convention on Special Missions was a convention drawn up under the auspices of the United Nations and it was natural that it should bind only those States which met the conditions of the Vienna formula. If some States wished certain political entities to accede to it, they were at liberty to make a proposal to that effect in the General Assembly, where there was a democratic procedure for settling the matter.

14. Legally, both the USSR draft and that of Ghana and India flouted a fundamental principle of international law, that of the sovereign equality of States, by seeking to impose on other States contractual undertakings with political entities which were not internationally recognized as States. That being so, his delegation regretted that it would have to oppose those drafts. It would vote in favour of the formula proposed by France, the United Kingdom and the United States of America.

15. Mr. SHAW (Australia) pointed out that Ghana and India had submitted a proposal similar to the one at present under consideration by the Committee at the United Nations Conference on the Law of Treaties at Vienna, and that it had been rejected. His delegation regarded that formula, which some delegations had described as a compromise between the Vienna and Moscow formulas, as a mere variant of the latter and not as a third possibility. The Ghanaian and Indian proposal really sought to promote the principle of universality, as had been acknowledged when it was introduced. It did so by providing that the future Convention on Special Missions should be open for signature not only by the States covered by the Vienna formula but also by the States parties to one or both of the

two Treaties mentioned in the proposal. Since article III of the first of those Treaties and article XIV of the second contained a provision which in fact established the principle of universality, it was clear that the Ghanaian and Indian formula incorporated that principle and reproduced the "all States" formula through its reference to those Treaties.

16. The only element of compromise which its sponsors suggested that the proposal contained was to be found in its provisions concerning depositaries. That could scarcely be regarded as justifying the use of the term "compromise" to describe the proposal. That was especially so because the representative of India had claimed that the element of compromise lay in the proposal's retention of the Secretary-General as final depositary. But as recently as April 1969 the USSR had proposed a set of final clauses for the Convention on the Law of Treaties which named the Secretary-General as depositary.

17. The formulation adopted in the Ghanaian and Indian proposal also caused concern. In particular, by requiring a State to be a party to the Treaty banning nuclear weapon tests or the Outer Space Treaty, or both, in order to become a party to the Convention on Special Missions, the proposal appeared to be introducing a new doctrine into international law, that of the acquisition by purchase of the right to accede to a treaty. If the two Treaties mentioned in the proposal were precisely comparable for present purposes to the future Convention on Special Missions, as the Indian representative had claimed, it seemed illogical that the final clauses of the instruments concerned should differ. Accession to neither the Treaty banning nuclear weapon tests nor the Outer Space Treaty was dependent on first signing another treaty, but it was proposed that that condition be imposed in the case of the Convention on Special Missions. The Ghanaian and Indian proposal therefore appeared unacceptable, whether the principle of universality was accepted or not.

18. His own delegation preferred that the Vienna formula should be adopted here, because it considered the future Convention to be so closely analogous to the Vienna Conventions on Diplomatic and Consular Relations that it should follow the precedent they had set. In conclusion, his delegation wished to stress once again that in reality the Committee had to choose one of the two traditional formulas, either the Vienna or the Moscow formula, since the third possibility was merely a variant of the latter and not a compromise.

19. Mr. DADZIE (Ghana), exercising his right of reply, said that, although the Australian representative had devoted his entire attention to the draft final clauses proposed by Ghana and India, he considered it unnecessary to reply to his arguments, since he had already anticipated them at the beginning of the meeting.

20. Mr. COLEMAN (United States of America) said that he wished to reply to various questions which had been put to him, in particular by the Indian and USSR representatives. The Committee had before it three proposals for final clauses, which attempted to state who had the absolute right to sign a multilateral treaty. The USSR draft proposed the "all States" formula. But what was meant by "State"? Opinions differed on the point. There was provision for

several depositaries, each of which would be free to decide whether an entity was a State. The draft submitted by Ghana and India, in view of its paragraph 1 (b), would entail the application of the Vienna formula and would also by the complex cross-reference appear to widen the scope, while in fact only facilitating accession by one entity, namely East Germany. The draft submitted by France, the United Kingdom and the United States would not prevent any State from signing the future Convention, since it provided that any State other than a State Member of the United Nations or member of a specialized agency or a party to the Statute of the International Court of Justice could be invited by the General Assembly to become a party to the future Convention.

21. He assured the representative of India that when he had said that the draft submitted by Ghana and India was more complex than the Soviet draft, it had not been out of any particular bias in favour of the latter. The two proposals were in fact very similar and differed only on one or two procedural points. In some respects, the Soviet draft was less satisfactory than the draft of Ghana and India, in particular inasmuch as it deprived the Secretary-General of his customary depositary functions. In other respects, the draft of Ghana and India was more defective than the Soviet draft.

22. The Convention before the Committee was a technical convention whose purpose was the codification and progressive development of international law. It should not be used for political ends unrelated to its purposes.

23. He did not consider that the line of argument by analogy followed by the representatives of the Soviet Union and India, who had referred to a small number of very special treaties relating to vitally important issues of security, was very convincing. He believed that the Vienna Conventions on Diplomatic and Consular Relations and the Vienna Convention on the Law of Treaties were much more relevant in the present case.

24. He would ask the Committee to consider if it was wise to broaden the very limited special practice whereby a State could, by accepting an instrument of ratification, try to raise the status of a particular entity or régime. He did not believe that the majority of members would wish the question of recognition on the international plane to be handled in such a manner, unless the issue of survival was at stake. He did not regard the special steps that had been taken in certain critical areas as unwise, but to extend such a practice to other areas would be to take unnecessary risks when the survival of mankind was not at stake.

25. The delegations of the Soviet Union and India maintained that the Vienna formula sought to exclude certain potential signatories. The Vienna formula was not intended to introduce irrelevant political criteria; it merely sought to limit accession to the Convention to States generally recognized as such. Moreover, any State not expressly referred to in the draft submitted by France, the United Kingdom and the United States might be invited by the General Assembly to accede to the Convention. The Vienna formula was a valid formula. The others were unworkable or even dangerous, because they introduced political criteria and had nothing to do with the principle of universality.

26. At the 1151st meeting the representative of the Soviet Union had made a lengthy digression on the subject of the people of East Germany, extolling their industrious qualities and the way in which they had developed their economy. He had failed to mention that East Germany had had to build a wall to keep its populace from fleeing. The purpose of the representative of the Soviet Union was very clear. He was seeking not so much to defend the principle of universality as to raise the status of a particular régime.

27. In conclusion, he reaffirmed his opinion that the Vienna formula was familiar, workable, safe and non-exclusive. For those reasons he would vote for it and against the USSR draft and the draft of Ghana and India.

28. Mr. DARWIN (United Kingdom) said, in reply to the criticisms levelled against the draft of which his delegation was a sponsor, that the Vienna formula was not restrictive and would not prevent the universal application of the Convention. It had been used in the other conventions on which the present one was based, and could be used again. It recognized that the word "State" might give rise to controversy. What, in fact, was a State? So long as the law governing the recognition of States was not firmly established, any decision based on the question what was a State might have political implications. The Vienna formula suitably resolved the question what authorities could be invited to become parties to the Convention by placing the decision in the hands of the General Assembly. There were authorities which had declared their independence unilaterally, and there were also many other ambiguous situations that gave rise to uncertainties. The General Assembly was in the best position to decide each specific case. He would vote against the draft submitted by the Soviet Union because it would be a source of ambiguity and confusion.

29. The draft submitted by Ghana and India was more novel and more complicated. It referred to two other Treaties, and it might be asked what bearing a State's disarmament policy had on its participation in the Convention on Special Missions. How could acceptance of certain principles relating to the régime of outer space be a prerequisite for accession to a convention regulating *ad hoc* diplomacy? The draft was not even clear. The status of at least one authority which claimed to be a party to those Treaties was not universally recognized, even by the depositaries. The draft submitted by Ghana and India reproduced the "all States" formula in a disguised form and contained no element of compromise. For that reason, his delegation would vote against it.

30. At the 1151st meeting, the representative of the Soviet Union had extolled at length the merits of an authority which he believed was entitled to accede to the Convention. It was sufficient to say that he and some other representatives had misunderstood the present position of the Federal Republic of Germany. As had been said before, the Government of the Federal Republic of Germany was the sole German Government freely and lawfully elected and, therefore, authorized to speak in the name of Germany as representative of the German people in international affairs. Statements by that Government had been grossly misquoted in the Committee. The representative of the Soviet Union had spoken of the right of self-determination and had also suggested that the matter

before the Committee was in some way connected with the class struggle. In that connexion, he read out a quotation from Lenin, according to whom the interests of socialism took priority over the right of self-determination.

31. Many delegations had expressed the wish that participation in the Convention on Special Missions should be universal. That Convention was the fruit of two years of work, and it would be regrettable if its success were compromised by proposals that were politically and legally controversial. Why not complete the work on the Convention and leave the General Assembly to decide who should be invited to accede to the Convention? That was the proposal contained in the draft of which the United Kingdom was a sponsor.

32. Mr. SPACIL (Czechoslovakia) said that he wished to exercise his right of reply, even though his country had not been directly implicated. The United Kingdom representative seemed to think that the Federal Republic of Germany was the only State that represented the German people. He wished to make it clear that the Czechoslovak Government did not share that view.

33. Mr. TARASOV (Union of Soviet Socialist Republics), replying to the representatives of the United Kingdom and the United States, noted that they had accused him of departing from the substantial issue by seeking to raise questions of a purely political nature in a legal discussion. His statement had, however, been devoted entirely to the principle of universality. He had been obliged to mention the question of the Federal Republic of Germany because a number of previous speakers, including the United Kingdom representative, had sought to dispute the right of the German Democratic Republic as a subject of law and its right to accede to the Convention on Special Missions. For twenty years, two independent and sovereign States had existed in the territory of the former German Reich, and the USSR maintained diplomatic relations with both.

34. The United States representative had spoken of a "wall", and using that as a premise had tried to challenge the existence of the Democratic Republic of Germany, thus proving that the opponents of the East German régime had no serious argument to support their viewpoint.

35. The United Kingdom representative had said that the Vienna formula was not restrictive. But it definitely was a discriminatory formula, since it divided States into two different categories each with different rights. Some States could accede to any international convention they wished from the moment of joining a given organization, while others were refused that right on the ground that they were not members of an organization. The formula was thus discriminatory and unfair.

36. In support of the statement by the Czechoslovak representative, he said that his delegation also rejected any suggestion that the Federal Republic of Germany was qualified to represent the German people. The Federal Republic of Germany had its Government, which had jurisdiction over the inhabitants of its own territory. That Government had neither the right nor the possibility in practice to extend its jurisdiction to the other German State, the Democratic Republic of Germany. The Democra-



tic Republic had its own authorities, whose powers derived from a constitution adopted democratically by universal suffrage. The idea being canvassed by the representatives of the United Kingdom and the United States was a mere fiction, and it was the duty of the Committee to concentrate on real and not fictitious problems.

37. With regard to the statement by Lenin quoted by the United Kingdom representative, it was dangerous to take quotations out of their historical context. It was true that Lenin had said that no Marxist could place the right of self-determination higher than the interests of socialism, but it should not be forgotten that at that time the primary aim was to remove the Tsarist régime, which was supported by foreign imperialists, and to replace it by a socialist régime. That was Lenin's primary objective at the time and that was why he had given it priority over self-determination.

38. Mr. COLEMAN (United States of America), speaking in exercise of the right of reply, deplored the fact that the representative of the Soviet Union had introduced a political element into the debate. It was not true that the draft submitted by France, the United Kingdom and the United States had the effect of restricting participation in the Convention to States Members of the United Nations and members of the specialized agencies, since many other States could be invited to become parties to it. As he had said before, the only purpose of the drafts submitted by the Soviet Union and by Ghana and India was to ensure the participation of East Germany.

39. Mr. TARASOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said he was surprised that he should be accused of issuing propaganda and bringing politics into the debate by the United States representative, who had been the first to speak of the Berlin Wall, and the United Kingdom representative, who had quoted Lenin out of context. He reiterated his view that the Vienna formula was discriminatory and was intended to restrict the rights of a number of States. He reminded the Committee that the question was not the admission of those States to the United Nations, but merely their participation in the future Convention on Special Missions, which was an entirely different matter.

40. Mr. BIGOMBE (Uganda), explaining his vote, said that his delegation had reservations with regard to all three drafts of final clauses before the Committee. It could not support the draft submitted by France, the United Kingdom and the United States, because it was restrictive and discriminatory. It would vote in favour of the draft submitted by the Soviet Union, although it considered that the question of depositary procedures might lead to difficulties. His delegation would prefer that the Secretary-General should be the only depositary of the future Convention. The same comment applied to the draft submitted by Ghana and India, which actually raised a further difficulty, namely that States wishing to participate in the future Convention would have to sign one of the two Treaties referred to in the draft. Nevertheless, if this occasion should arise, his delegation would vote in favour of the draft submitted by Ghana and India, which, like the USSR draft, acknowledged the principle of universality.

41. Mr. SOLHEIM (Norway) recalled that the Convention on Special Missions would be the third in a series of

conventions on diplomatic law. There were striking resemblances between the International Law Commission's version of it and the two earlier Conventions, particularly the Vienna Convention on Diplomatic Relations. The Committee had simply underlined those similarities, for instance by adopting an optional protocol for the compulsory settlement of disputes. Consequently, there was no reason why the Convention on Special Missions, which was primarily a technical convention, should contain final clauses whose provisions were fundamentally different from those of the two Vienna Conventions. His delegation would therefore vote against the draft submitted by the Soviet Union, against the draft submitted by Ghana and India, which was merely a variation of the "all States" formula, and in favour of the draft submitted by France, the United Kingdom and the United States.

42. Miss DAHLERUP (Denmark) said that her delegation would vote in favour of the draft submitted by France, the United Kingdom and the United States, which was based on the final clauses of the Vienna Conventions on Diplomatic and Consular Relations. The draft Convention on Special Missions in fact rounded off the other two, and since the three Conventions would form a complete whole, their final clauses should be identical. Hence her delegation could not support either the draft submitted by the Soviet Union or that of Ghana and India.

43. Mr. POTOLOT (Central African Republic) said he would vote for the draft submitted by France, the United Kingdom and the United States, since the final clauses it contained were identical to those of the Vienna Conventions on Diplomatic and Consular Relations, which the International Law Commission had used as its main source when drafting the Convention on Special Missions. The only argument advanced by the advocates of the USSR draft had been the principle of universality which, despite its intrinsic validity, was not really adequate. The draft submitted by Ghana and India was merely a variation of the formula proposed by the Soviet Union. Consequently, he would vote against the drafts submitted by the Soviet Union and by India and Ghana.

44. Mr. JACOVIDES (Cyprus) said that his delegation supported the principle of universal participation in multi-lateral treaties; it nevertheless had certain difficulties with the proposals before the Committee. The ambiguity of the "all States" formula put forward by the Soviet Union, and the problems arising therefrom, were not new. The main defect of the Soviet proposal was that it provided for several depositary Governments, which were called upon to exercise discretionary power—a provision which his delegation found quite unacceptable in the case of the draft Convention on Special Missions. The Convention was essentially technical in nature; it had been drafted exclusively within the United Nations system, and it did not deal with important political issues; hence there was no reason to depart from the practice whereby the Secretary-General acted as the depositary for all treaties. The draft submitted by India and Ghana represented an ingenious attempt to overcome the difficulties he had noted with regard to the Soviet draft, but he must point out that in its practical effects it fell short of universality and could, like the Soviet draft, be criticized for according a privileged position to the two super-Powers. With regard to the Vienna formula, his

delegation continued to feel that, despite its conservative character, the safeguard it contained to the effect that any State, other than those expressly mentioned, might be invited by the General Assembly to become a party to the Convention, was both adequate and necessary, particularly in view of the nature of the instrument under consideration. His delegation would abstain in the vote on both the draft submitted by the Soviet Union and that submitted by India and Ghana, and would vote in favour of the draft submitted by France, the United Kingdom and the United States.

45. Mr. BEESLEY (Canada) said that his delegation could not accept the draft submitted by Ghana and India, since it represented an attempt indirectly to gain acceptance of a formula which would be unacceptable if submitted in a direct manner. Although the sponsors of the draft based their text on the principle of universality, it was common knowledge that there was only one signatory to the two treaties specified in the proposal which was not a Member of the United Nations nor a member of any specialized agency. In that respect, he shared the view that the Committee was discussing not the legal principle of universality, but political issues. He considered the draft submitted by the Soviet Union equally unacceptable; since the Secretary-General had himself indicated that he could not implement the "all States" formulation without seeking the advice of the General Assembly on specific cases, the Soviet proposal would be difficult to put into practice. Moreover, the result of the Vienna formula was the same, since the General Assembly could invite all States to become parties to the future Convention. Lastly, he drew the Committee's attention to two points: first, it should be borne in mind that the two Treaties referred to in the draft submitted by Ghana and India had been the subject of careful negotiation and that the depositary system for which they provided had not been adopted by a vote—an extremely important point in view of the long-term effects of the decisions taken. It was true that developments in Europe gave reason to hope that a solution could be found to the political questions discussed in the Committee, but that solution would not be imposed by one party or another, because *rapprochement* could not be legislated. Secondly, the future Convention on Special Missions was quite different in nature from the Treaties referred to—it was much more similar to the Vienna Conventions on Diplomatic and Consular Relations. In view of all those points, his delegation would vote in favour of the draft submitted by France, the United Kingdom and the United States and against the drafts submitted by the Soviet Union and by Ghana and India.

46. Mr. ESPEJO (Philippines) recalled that at the 1151st meeting the Expert Consultant had stated that the draft Convention on Special Missions represented the third chapter of the codification of diplomatic law. Since the future Convention was similar in many ways to the Vienna Conventions on Diplomatic and Consular Relations, its final clauses should be identical to those of the latter. His delegation therefore found the "all States" formula unacceptable. The Ghanaian and Indian draft was not a compromise formula, but merely an ingenious device which served the same purpose as the Soviet draft. His delegation felt that since the Vienna formula was viable and equitable and met the needs of the future Convention on Special

Missions, there was no reason to reject it. Accordingly, his delegation would vote in favour of the draft submitted by France, the United Kingdom and the United States, and against the draft final clauses submitted by the Soviet Union and by Ghana and India.

47. Mr. EL HUSSEIN (Sudan) said that his delegation wished to associate itself with those delegations which had affirmed the right of all States to participate in developing and codifying norms designed for universal application. Sudan had, in fact, voted in favour of the universal participation of States in multilateral treaties when that question had been brought before the United Nations Conference on the Law of Treaties. The principle of universality derived from the Charter of the United Nations, which aimed at developing friendly relations and co-operation among States; furthermore, it was fully in accord with the principle of the sovereign equality of States embodied in the Charter. It was his delegation's firm belief, not only that it was the legitimate right of every State to accede to any multilateral treaty, but also that States should be encouraged to participate in the process of the codification and progressive development of international law. That principle had been affirmed in the preamble of the declaration on Universal Participation in the Vienna Convention on the Law of Treaties, which referred to articles 81 and 83 of that Convention. Universal participation in multilateral treaties would be a meaningless slogan if countries such as the People's Republic of China, the Democratic Republic of Viet-Nam, the German Democratic Republic and the Democratic People's Republic of Korea were barred from participating in those treaties. International law was not the monopoly of certain countries. Consequently, his delegation would vote in favour of the draft final clauses submitted by the Soviet Union.

48. The CHAIRMAN invited the Committee to take a decision on the three draft sets of final clauses submitted respectively by the Soviet Union, by Ghana and India, and by France, the United Kingdom and the United States. If the sponsors so agreed, he would put them to the vote in that order.

*At the request of the representative of France, the vote on the draft final clauses submitted by the Union of Soviet Socialist Republics was taken by roll-call.*

*Malawi, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Mali, Mauritania, Mongolia, Nepal, Pakistan, Poland, Romania, Sierra Leone, Southern Yemen, Sudan, Syria, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Ceylon, Congo (Brazzaville), Cuba, Czechoslovakia, Dominican Republic, Ecuador, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Kuwait, Libya.

*Against:* Malawi, Malta, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Philippines, Rwanda, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United

States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Canada, Central African Republic, Chad, China, Costa Rica, Denmark, France, Gabon, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Lesotho, Liberia, Luxembourg, Madagascar.

*Abstaining:* Morocco, Nigeria, Peru, Portugal, Saudi Arabia, Senegal, South Africa, Togo, Trinidad and Tobago, Tunisia, Barbados, Bolivia, Cameroon, Chile, Colombia, Congo (Democratic Republic of), Cyprus, Dahomey, Finland, Guyana, Iran, Jamaica, Kenya, Laos, Lebanon.

*The draft final clauses submitted by the Union of Soviet Socialist Republics (A/C.6/L.773, annex, draft I) were rejected by 46 votes to 39, with 25 abstentions.*

*At the request of the representative of France, the vote on the draft final clauses submitted by Ghana and India was taken by roll-call.*

*India, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* India, Indonesia, Iraq, Kuwait, Libya, Mali, Mauritania, Mongolia, Morocco, Nigeria, Pakistan, Poland, Romania, Sierra Leone, Southern Yemen, Sudan, Syria, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia, Afghanistan, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Congo (Brazzaville), Cuba, Czechoslovakia, Dominican Republic, Ecuador, Ghana, Guinea, Hungary.

*Against:* Ireland, Israel, Italy, Ivory Coast, Japan, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malta, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, South Africa, Spain, Thailand, Togo, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Brazil, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Denmark, France, Gabon, Greece, Guatemala, Honduras, Iceland.

*Abstaining:* Iran, Jamaica, Kenya, Laos, Lebanon, Mexico, Nepal, Niger, Saudi Arabia, Senegal, Sweden, Trinidad and Tobago, United Republic of Tanzania, Zambia, Austria, Barbados, Bolivia, Ceylon, Chad, Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Finland, Guyana.

*The draft final clauses submitted by Ghana and India (A/C.6/L.773, annex, draft III) were rejected by 48 votes to 37, with 25 abstentions.*

49. Mr. TARASOV (Union of Soviet Socialist Republics) requested a separate vote on articles A and C of the draft final clauses submitted by France, the United Kingdom and the United States.

*At the request of the representative of France, the vote on articles A and C of the draft final clauses submitted by France, the United Kingdom and the United States was taken by roll-call.*

*South Africa, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Spain, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Ethiopia, France, Gabon, Greece, Guatemala, Guyana, Honduras, Iceland, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Laos, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malta, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, Senegal.

*Against:* South Africa, Southern Yemen, Sudan, Syria, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Zambia, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Congo (Brazzaville), Cuba, Czechoslovakia, Dominican Republic, Ecuador, Ghana, Guinea, Hungary, India, Iraq, Libya, Mongolia, Poland, Romania, Sierra Leone.

*Abstaining:* United Arab Republic, United Republic of Tanzania, Yugoslavia, Burma, Burundi, Cameroon, Finland, Indonesia, Kenya, Kuwait, Mali, Morocco, Nepal, Nigeria, Pakistan, Peru.

*Articles A and C of the draft final clauses submitted by France, the United Kingdom and the United States (A/C.6/L.773, annex, draft II) were approved by 68 votes to 26, with 16 abstentions.*

*At the request of the representative of France, the vote on the draft final clauses submitted by France, the United Kingdom and the United States, as a whole, was taken by roll-call.*

*Lesotho, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malta, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, Senegal, Spain, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Burma, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Ethiopia, France, Gabon, Greece, Guatemala, Guyana, Honduras, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Laos, Lebanon.

*Against:* Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ecuador, Hungary.

*Abstaining:* Libya, Mali, Mongolia, Morocco, Nepal, Pakistan, Peru, Romania, Sierra Leone, South Africa, Southern Yemen, Sudan, Syria, Uganda, United Arab Republic, United Republic of Tanzania, Zambia, Algeria, Burundi, Cameroon, Ceylon, Congo (Brazzaville), Dominican Republic, Finland, Ghana, Guinea, India, Iraq, Kenya, Kuwait.

*The draft final clauses submitted by France, the United Kingdom and the United States (A/C.6/L.773, annex, draft II), as a whole, were approved by 71 votes to 9, with 30 abstentions.*

#### *Organization of the work of the Committee*

50. The CHAIRMAN proposed that at its next meeting the Committee should consider the Drafting Committee's reports on the titles of the articles, the preamble and the final clauses of the draft Convention, on the draft resolution concerning the settlement of civil claims, and on the optional protocol concerning the compulsory settlement of disputes. At the same meeting, the Committee might consider any draft resolution which might be submitted in connexion with the adoption of the draft Convention and

the optional protocol and the opening of those instruments for signature and ratification or for accession. The Committee might then postpone consideration of the draft Convention on Special Missions, in order to allow the Drafting Committee to co-ordinate and review the texts in the various languages. After the introduction of the draft resolution relating to agenda item 105 on the forcible diversion of civil aircraft in flight, it might continue with the consideration of sub-paragraphs (a) and (c) of agenda item 94 and with other items, in the order of work outlined at the 1148th meeting and decided on at the 1149th meeting. Finally, the Committee might at an appropriate time resume consideration of the draft Convention on Special Missions by voting on the draft Convention as a whole as co-ordinated and reviewed by the Drafting Committee, and by voting on the draft resolution relating to the adoption of the draft Convention and optional protocol and the opening of those instruments for signature and ratification or accession. In the absence of any objection, he would consider that that procedure was acceptable to the Committee.

*It was so decided.*

*The meeting rose at 6.30 p.m.*