

United Nations Conference on Diplomatic Intercourse and Immunities

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Tenth plenary meeting

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rules of customary international law should govern questions not expressly regulated in the convention. It was better to retain paragraph 2, protecting the life-blood of the mission, and leave the question of civil jurisdiction to be settled by waiver of immunity when necessary. That subject was dealt with in the draft resolution submitted by Israel (A/CONF.20/L.4/Rev.1).

67. Mr. AGO (Italy) said that all speakers were agreed on the importance and delicacy of the issue. The central point of discussion was a conflict of interest, not between States, but within States; for each wished to protect its interests both as sending and as receiving State; and each wished the law of the receiving State to be the rule and everything else, including privileges, the exception. He fully sympathized with the need of the sending State to ensure the best conditions for its missions, and therefore supported the views of the representative of Romania. He could declare that he maintained the opinion he had expressed as a member of the International Law Commission and to which the representative of the United Kingdom had referred. Nevertheless, he appealed to representatives not to forget that some countries were faced with special conditions: his own, for example, was host to a very important specialized agency of the United Nations. The representative of France had described what the situation in Paris would be if article 36 were applied without limitation; the situation in Rome would be similar.

68. The nineteen-nation amendment, of which Italy was a sponsor, was a compromise seeking to reconcile the two conflicting interests (the provision approved by the Committee of the Whole was not a compromise, for it protected only one side). It had been argued that the amendment did not provide the protection required by the principle *ne impediatur legatio*. In fact, however, it gave the administrative and technical staff of the mission the privileges and immunities specified in articles 27, 28, 30, 31, 32 and 33 — including (article 27) the privilege essential to inviolability, immunity from arrest. Moreover, the immunity covered not only the person but the home, papers and correspondence of the persons concerned. The discussion really centred on article 29, which provided immunity from jurisdiction in the receiving State: he and his co-sponsors could only agree to such immunity for technical and administrative personnel in respect of their official functions. He could see no reason why such persons should be immune from jurisdiction in the case, for example, of traffic offences: it would be invidious for them to escape penalties to which nationals of the receive State were subject. He could not agree with the suggestion that States which did not agree with the article could make reservations; for a convention with reservations would not be a satisfactory outcome of the Conference. As the representative of the United Kingdom had said, it was essential to resolve all controversial issues.

69. He appealed to representatives to show the same spirit of compromise as the sponsors of the amendment, and to approve a generally acceptable text, for otherwise the convention would be either incomplete or weakened by reservations.

70. The PRESIDENT drew attention to a correction to the French text of the nineteen-nation amendment: the words "et immunités" should appear between the word "privilèges" and the word "mentionnés" in the proposed paragraph 2.

The meeting rose at 1.20 p.m.

TENTH PLENARY MEETING

Thursday, 13 April 1961, at 3.20 p.m.

President: Mr. VERDROSS (Austria)

later: Mr. BOLLINI SHAW (Argentina)

Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1951 (item 10 of the agenda) (continued)

1. The PRESIDENT invited the Conference to continue its debate on the draft convention (A/CONF.20/L.2/Add.1).

ARTICLE 36 (continued)

2. The PRESIDENT said that, in addition to the amendments submitted at the previous meeting (para. 29), an amendment submitted by the United Kingdom (A/CONF.20/L.20) was before the Conference.

Paragraph 2

3. Mr. de ERICE y O'SHEA (Spain) said he had listened carefully to the comments made by the various delegations on the amendments to article 36, paragraph 2, and, in particular, on the nineteen-nation amendment (A/CONF.20/L.13), of which Spain was one of the sponsors. The object of the amendment was to restrict the privileges granted to the administrative and technical staff of the mission, without thereby hindering them in the performance of their duties. He believed that the proposed provision would facilitate the work of the mission. Obviously, the head of the mission should enjoy immunities; but it was difficult for him to supervise a staff which was tending to grow considerably. Thus a member of the staff might misuse his privileges and the head of the mission find it hard to intervene. Moreover, the population of the receiving State did not readily understand the need for such privileges. The convention would be submitted for ratification to parliaments, which might have some difficulty in understanding or accepting the scope of the privileges and immunities. Any government might, of course, enter reservations, and that was current practice; but it was not desirable that there should be too many reservations to the text adopted by the Conference.

4. If the Conference adopted neither of the two amendments (A/CONF.20/L.9/Rev.1 and L.13) nor paragraph 2, the established rules of customary international

law would continue to govern the treatment of the administrative and technical staff of missions. Alternatively, it would be possible to apply article 44, paragraph 2 (b), and base the treatment on an agreement between the States. He hoped that the Conference would give careful consideration to the nineteen-nation amendment.

5. Mr. VALLAT (United Kingdom), introducing his delegation's amendment, thought it would be dangerous not to adopt paragraph 2. The United Kingdom amendment offered a compromise solution. If it were adopted, it might perhaps be necessary to make a few changes to the article as a whole, but that could be left to the Drafting Committee. He was not enthusiastic about the amendment, but it had the merit of providing a way out of a deadlock. Perhaps the sponsors of the other amendments would agree to withdraw them; if not, he hoped that those amendments would be put to the vote first and then the United Kingdom amendment.

6. Mr. AGO (Italy) moved that the meeting be suspended for ten minutes in order that the delegations concerned could confer.

The meeting was suspended at 3.45 p.m. and resumed at 3.55 p.m.

7. The PRESIDENT invited the Conference to take up article 38 and to resume consideration of article 36 later in the meeting (see para. 30 below).

ARTICLE 38

8. Mr. CAMERON (United States of America) stated for the record his delegation's understanding of the status of a member of the mission who was already in the territory of the receiving State at the time of his appointment.

9. Article 38, paragraph 1, was concerned with two categories of persons: (1) those appointed before their arrival in the receiving State; and (2) those already present in the territory of the receiving State at the time of their appointment.

10. With respect to persons in the first category, he said it was quite clear from the text of the article and from the statements made in the Committee of the Whole that they enjoyed privileges and immunities from the moment they entered the territory of the receiving State. It would be undesirable, he agreed, to select a point later in time for such privileges and immunities to begin. With respect to the second category, the text was less precise. If article 38 were read out of context, it could be contended that such persons enjoyed inviolability and immunity from jurisdiction from the moment their appointment was notified to the authorities of the receiving State, even if the receiving State promptly notified the mission that the appointment was unacceptable.

11. If that were so it might happen that, for instance, a national of the sending State who had entered the territory of the receiving State as a tourist committed a crime in the receiving State. If either before or after his apprehension by the police, his appointment were

notified to the authorities of the receiving State, would article 38 automatically confer inviolability upon him until he left the country?

12. In the opinion of the United States delegation, such an interpretation would obviously be inadmissible and clearly not in keeping with the spirit of the convention. The clause should therefore be read as if the word "provisionally" appeared between the words "if already in its territory" and the words "from the moment when his appointment is notified".

13. He would vote for article 38 subject to that interpretation.

14. Mr. de VAUCELLES (France) said that, in view of the opinion expressed by his delegation in the Committee of the Whole (35th meeting), it would ask for a separate vote on paragraph 1.

Paragraph 1 was adopted by 71 votes to 1, with 2 abstentions.

15. Mr. MARESCA (Italy) said that the reference in paragraph 1 to "every person entitled to privileges and immunities" should be interpreted to mean persons whose appointment had been notified to the receiving State and had been formally or tacitly accepted.

Paragraph 2

Paragraph 2 was adopted without discussion.

Paragraph 3

Paragraph 3 was adopted without discussion.

Paragraph 4

16. The PRESIDENT drew attention to an amendment submitted by the Netherlands (A/CONF.20/L.7).

17. Mr. GHAZALI (Federation of Malaya) asked for a separate vote on the words "with the exception of any property acquired in the country the export of which was prohibited at the time of his death". His delegation could not vote for the retention of those words, since they were liable to raise difficulties. The Indian delegation had told him that it agreed with his views.

18. Mr. RIPHAGEN (Netherlands), explaining his delegation's amendment, said that it was not intended to exempt the property of a person only remotely related to a diplomat but living in his household from the taxes and duties normally levied.

The Netherlands amendment was adopted by 70 votes to none, with 3 abstentions.

19. The PRESIDENT put to the vote the passage "with the exception of any property acquired in the country the export of which was prohibited at the time of his death".

The Conference decided by 48 votes to 12, with 12 abstentions, to retain the passage.

Paragraph 4, as amended, was adopted by 70 votes to 1, with 2 abstentions.

Article 38 as a whole, as amended, was adopted by 74 votes to none, with 1 abstention.

ARTICLE 39

Paragraph 1

Paragraph 1 was adopted without discussion.

Paragraph 2

Paragraph 2 was adopted without discussion.

Paragraph 3

20. Mr. MELO LECAROS (Chile) recalled that in the Committee of the Whole (35th meeting, para. 38) the Chilean delegation had expressed the view that the protection granted by third States to diplomatic couriers should extend to diplomatic couriers *ad hoc*. The suggestion had been referred to the Drafting Committee, which had not, however, taken it into account in its draft of article 39, paragraph 3. He suggested that the provision should be referred back to the Drafting Committee for redrafting on those lines.

It was so agreed.

Paragraph 4

Paragraph 4 was adopted without discussion.

Article 39 as a whole was adopted by 73 votes to none, with no abstentions, on the understanding that paragraph 3 would be referred back to the Drafting Committee.¹

ARTICLE 40

Paragraph 1

Paragraph 1 was adopted without discussion.

Paragraph 2

21. Mr. OJEDA (Mexico) stated for the record that, by article 3 of the Decree concerning Protocol in force in Mexico, the Ministry for Foreign Affairs was the sole official channel between diplomatic missions and national bodies.

22. Mr. KRISHNA RAO (India) requested a separate vote on the passage "and also with other departments and agencies to the extent compatible with existing rules or established practice in the receiving State", which had not appeared in the International Law Commission's draft (A/3859).

The Conference decided by 33 votes to 31, with 9 abstentions, not to retain the passage in question.

Paragraph 2 as amended was adopted by 64 votes to none, with 9 abstentions.

Paragraph 3

Paragraph 3 was adopted without discussion.

Article 40 as a whole, as amended, was adopted by 74 votes to none, with no abstentions.

¹ The Drafting Committee decided that the expression "diplomatic couriers" in article 39, paragraph 3, covered also diplomatic couriers *ad hoc* and that it was therefore not necessary to amend the provision.

ARTICLE 41

Article 41 was adopted by 70 votes to none, with no abstentions.

ARTICLE 42

23. Mr. GHAZALI (Federation of Malaya) recalled that in the Committee of the Whole (37th meeting) his delegation, together with the Australian delegation, had submitted an amendment limiting to persons enjoying privileges and immunities who were nationals of the sending State, and to members of their families irrespective of nationality, the facilities granted by the receiving State to enable persons to leave at the earliest possible moment. That amendment had unfortunately been rejected. The Drafting Committee's version of article 42 placed an unduly heavy burden on certain States, among them his own. While it was reasonable for the receiving State to grant to such persons facilities for leaving its territory, it could not unreasonably be required to place at their disposal the means of transport necessary to convey not only themselves but also their property. Moreover, that obligation would depend on nothing more than necessity, and would in fact become permanent. It would also apply to the numerous persons covered by article 42. Lastly, "property" was a very broad term, and the consequence of the provision was to add an obligation which overstrained the means of smaller countries. The deletion of the second sentence of article 42 would not harm the convention in the least, for the matter could be settled by rules of customary law. His delegation therefore requested a separate vote on that sentence and would vote against its retention.

24. Mr. PUPLAMPU (Ghana) recalled that his delegation had suggested in the Committee of the Whole that the term "property" should be replaced by the more suitable expression "personal effects". That suggestion had been referred to the Drafting Committee, which had apparently not noted it. His delegation therefore submitted it again as an oral amendment.

25. Mr. BOUZIRI (Tunisia) recognized that the second sentence of article 42 was full of good intentions. No one, however, could give more than he possessed. Therefore, to relieve the anxieties of certain delegations, he proposed that in the second sentence of article 42 the words "to the extent of its power" should be added.

26. The PRESIDENT put to the vote the oral amendment of Ghana to the second sentence of article 42.

The result of the vote was 30 in favour, 20 against and 15 abstentions.

The amendment was not adopted, having failed to obtain the required two-thirds majority.

27. The PRESIDENT put the Tunisian oral amendment to the vote.

The result of the vote was 26 in favour, 24 against and 17 abstentions.

The amendment was not adopted, having failed to obtain the required two-thirds majority.

28. The PRESIDENT put to the vote the second sentence of article 42.

The Conference decided by 49 votes to 12, with 10 abstentions to retain the second sentence of article 42.

Article 42, as a whole, was adopted by 59 votes to 1, with 10 abstentions.

ARTICLE 43

Article 43 was adopted by 72 votes to none, with no abstentions.

ARTICLE 43 bis

Article 43 bis was adopted by 74 votes to none, with no abstentions.

ARTICLE 44

Paragraph 1

Paragraph 1 was adopted without discussion.

Paragraph 2

Sub-paragraph (a)

29. Mr. YASSEEN (Iraq) said that, for the reasons he had explained in Committee (37th meeting), he would not be able to vote for sub-paragraph (a), on which his delegation requested a separate vote. The International Law Commission had not included a similar provision in its draft on consular intercourse and immunities (A/4425) and the Conference should follow that example.

Sub-paragraph (a) was adopted by 48 votes to 16, with 8 abstentions.

Sub-paragraph (b)

Sub-paragraph (b) was adopted without discussion.

Article 44, as a whole, was adopted by 61 votes to none, with 9 abstentions.

ARTICLE 36 (resumed from para. 7)

Paragraph 2

30. The PRESIDENT put to the vote the nineteen-nation amendment (A/CONF.20/L.13 and Add.1) as the further removed in substance from the original proposal.

The result of the vote was 37 in favour and 29 against, with 7 abstentions.

The amendment was not adopted, having failed to obtain the required two-thirds majority.

31. The PRESIDENT put to the vote the amendment sponsored by Tunisia, Libya and Morocco (A/CONF.20/L.9/Rev.1).

The amendment was rejected by 38 votes to 18, with 15 abstentions.

32. Mr. de ERICE y O'SHEA (Spain) thanked the United Kingdom delegation for its conciliatory gesture in submitting its amendment (A/CONF.20/L.20) to article 36,

paragraph 2. Wishing to take a further step in the same direction, the Spanish delegation submitted an oral sub-amendment to the United Kingdom amendment, to the effect that the words "administrative and" should be inserted before "civil jurisdiction".

33. Mr. VALLAT (United Kingdom) regretted that he could not accept the Spanish sub-amendment.

34. Mr. BARTOŠ (Yugoslavia) pointed out that a whole series of exceptions to the principle of immunity from civil jurisdiction was already provided for in article 29, paragraph 1. What, then, was the exact scope of the further exception proposed in the United Kingdom amendment? Did it apply to article 29 as a whole, or only to paragraph 1?

35. Mr. VALLAT (United Kingdom) explained that the exception proposed in his delegation's amendment related exclusively to article 29, paragraph 1.

36. Mr. TUNKIN (Union of Soviet Socialist Republics) noted that the members of the Conference were divided into two groups in their views on article 36, paragraph 2. In the Committee of the Whole the point of view that had prevailed had been that of the delegations which had thought that members of the administrative and technical staff should be granted the privileges and immunities mentioned in articles 27 to 33, and some of the privileges mentioned in article 34, paragraph 1.

37. The United Kingdom amendment constituted a compromise which, so far as he could judge by private conversations, should largely meet the objections raised by delegations which thought that privileges and immunities should be much more restricted. It implied that acts committed by members of the administrative and technical staff outside the course of their duties should be subject to the law of the receiving State. But that seemed to have been precisely the object of the nineteen-nation amendment. Apparently, therefore, the United Kingdom amendment offered the only way out of the deadlock, and he thought the Conference should adopt it.

38. Otherwise there was a danger that article 36, paragraph 2, would not be adopted. Contrary to what the Spanish representative had said, that would leave a serious gap in the convention, since it would then say nothing whatever about the position of administrative and technical staff, whereas it would contain provisions concerning both diplomatic staff and service staff. Besides, it would be very debatable to what extent the position of administrative and technical staff could be said to be regulated by customary international law.

39. For all these reasons the Soviet Union delegation considered that the United Kingdom amendment should be adopted and would vote for it.

40. Mr. CAMERON (United States of America) said he would vote against the United Kingdom amendment. If the members of the administrative and technical staff of a mission did not enjoy immunity from the civil jurisdiction of the receiving State in respect of acts performed outside their official duties, the United States Government would face considerable difficulties, because it had always considered that, when such a condition

was included in a convention, it was for the United States courts to decide whether the act had or had not been performed in the course of official duties. If the provision in the United Kingdom amendment were adopted, he thought that the United States Government would consider that the question whether an act was performed in the course of official duties was one to be determined by the United States courts.

41. The PRESIDENT put to the vote the Spanish sub-amendment inserting the words "and administrative" between the words "civil" and "jurisdiction" in the United Kingdom amendment.

The result of the vote was 31 in favour, 22 against, and 24 abstentions. The sub-amendment was not adopted, having failed to obtain the required two-thirds majority.

42. The PRESIDENT put the United Kingdom amendment to the vote.

The result of the vote was 41 in favour, 24 against and 20 abstentions.

The amendment was not adopted, having failed to obtain the required two-thirds majority.

43. The PRESIDENT put paragraph 2 to the vote.

At the request of the representative of the United Kingdom, a vote was taken by roll-call.

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

In favour: Luxembourg, Nigeria, Norway, Poland, Romania, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chile, China, Congo (Leopoldville), Cuba, Czechoslovakia, Denmark, Federation of Malaya, Finland, Federal Republic of Germany, Ghana, Hungary, India, Indonesia, Iran, Ireland, Israel, Korea, Liberia.

Against: Libya, Liechtenstein, Morocco, Portugal, Saudi Arabia, Spain, Switzerland, Thailand, Tunisia, United Arab Republic, Venezuela, Viet-Nam, Yugoslavia, Argentina, Cambodia, Colombia, Dominican Republic, Ecuador, France, Iraq, Italy, Japan, Lebanon.

Abstaining: Mexico, Netherlands, Pakistan, Panama, Peru, Philippines, Senegal, Union of South Africa, Uruguay, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Holy See, Honduras.

The result of the vote was 39 in favour and 23 against, with 16 abstentions. Paragraph 2 was not adopted, having failed to obtain the required two-thirds majority.

44. Mr. VALLAT (United Kingdom) thought it would be wrong for the Conference to leave the problem raised by article 36, paragraph 2, unsolved. To give delegations an opportunity of finding an acceptable formula, he proposed the reconsideration of paragraph 2 and, if necessary, that the discussion on paragraph 2 be adjourned until the following day.

45. Mr. de ERICE y O'SHEA (Spain), opposing the procedure, pointed out that the Conference could only reopen the discussion on paragraph 2 by a decision requiring a two-thirds majority.

46. Mr. BOUZIRI (Tunisia) thought it regrettable that the Conference had been unable to reach agreement on paragraph 2, but considered that the absence of that paragraph hardly reduced the scope of the convention at all since the fifth paragraph of the preamble expressly provided that the rules of customary international law should continue to govern questions not expressly regulated by the convention. Moreover, a decision to reconsider paragraph 2 required a two-thirds majority.

47. Mr. CARMONA (Venezuela) said he was definitely opposed to the United Kingdom representative's proposal for the reconsideration of paragraph 2. The discussion on that paragraph, which was closed, had shown that it was impossible to reconcile the divergent views of the members of the Conference. Any attempt to make the view of any particular group of delegations prevail was doomed to failure, and both the compromises put forward had been rejected. There was therefore no reason to reopen the discussion. In any case, a decision to reconsider paragraph 2 would require a two-thirds majority vote.

48. Mr. CAMERON (United States of America) supported the United Kingdom representative's proposal. Unlike those who thought that the discussion on paragraph 2 was exhausted, he believed that a generally acceptable formula could still be found; he pointed out that paragraph 2 had been adopted by the Committee of the Whole by 47 votes to 7, with 13 abstentions. New efforts should therefore be made and he requested that the United Kingdom proposal be put to the vote.

Mr. Bollini Shaw, First Vice-President, took the chair.

At the request of the representative of Ghana, a vote was taken by roll-call.

The Holy See, having been drawn by lot by the President, was called upon to vote first.

In favour: Honduras, Hungary, India, Iran, Iraq, Ireland, Israel, Japan, Korea, Liberia, Liechtenstein, Luxembourg, Mexico, Netherlands, Nigeria, Norway, Pakistan, Philippines, Poland, Romania, Senegal, Sweden, Switzerland, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet-Nam, Yugoslavia, Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Congo (Leopoldville), Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Federation of Malaya, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala.

Against: Italy, Lebanon, Libya, Morocco, Portugal, Saudi Arabia, Spain, Tunisia, United Arab Republic, Venezuela.

Abstaining: Holy See, Indonesia, Panama, Peru, Ethiopia, Haiti.

The United Kingdom proposal for the reconsideration of paragraph 2 was adopted by 60 votes to 10, with 6 abstentions.

49. Mr. BARTOŠ (Yugoslavia) said he had voted in favour of the United Kingdom proposal because he believed that a sincere effort should make it possible to reconcile the various points of view and settle the question under consideration which, in practice, was of very great importance. Recourse to customary international law was impossible since there were no universal rules in the matter, and in fact, four different systems were applied in different countries. Hence it was the duty of the Conference to find a generally acceptable solution.

50. Mr. OJEDA (Mexico) said that he shared that view and had accordingly voted for the United Kingdom proposal. He emphasized, however, that that vote was without prejudice to his delegation's decision on paragraph 2.

51. Mr. VALLAT (United Kingdom) said that as a conciliatory gesture, his delegation would be prepared to co-sponsor an amendment taking into account the sub-amendment proposed by Spain, adding the words "and administrative" between the words "civil" and "jurisdiction".²

52. Mr. de VAUCELLES (France) thanked the United Kingdom representative for his courageous and constructive attitude. It was because the Spanish sub-amendment had been rejected that the French delegation had had to abstain in the vote on the United Kingdom amendment.

53. Mr. YASSEEN (Iraq) said he had voted against paragraph 2 as approved by the Committee of the Whole, but had voted in favour of reopening the discussion because he thought new efforts could usefully be made to find a solution acceptable to the majority. On the other hand, it hardly seemed proper to revert to rejected amendments or to a text combining them.

54. Mr. BOUZIRI (Tunisia), agreed with the representative of Iraq that the Conference should not revert to rejected texts. He had voted against the Spanish sub-amendment because he did not understand very clearly what "administrative jurisdiction" implied and would like to have that point clarified. In any case, the addition of those words would not reconcile the different points of view. The reason why the Conference had rejected the texts submitted to it was that it had considered them contrary to international law. The participants in the Conference were not expected to legislate and they should seek a solution that took account of the fundamental interests of the States which would become parties to the convention.

55. He reserved the right to speak again, if necessary, when a new text was submitted to the Conference.

56. Mr. REGALA (Philippines) moved the adjournment of the debate.

² A fresh amendment on those lines was subsequently circulated (A/CONF.20/L.21); see 11th meeting, para. 58.

The motion was carried by 55 votes to 1, with 6 abstentions.

ARTICLE 30, PARAGRAPH 3 (*resumed from the 7th plenary meeting*)

57. The PRESIDENT said he considered it his duty to draw attention to what seemed to be a lacuna in article 30, paragraph 3, adopted at the seventh plenary meeting.

58. Paragraph 1 of that article dealt with the waiver of immunity from jurisdiction "of diplomatic agents and of persons enjoying immunity under article 36".

59. Paragraph 3 provided that "The initiation of proceedings by a diplomatic agent shall preclude him invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim."

60. It would be noted that the paragraph only referred to diplomatic agents and made no mention of other persons who enjoyed immunity from jurisdiction under article 36. It therefore appeared to follow *a contrario* that if a person who enjoyed immunity from jurisdiction without being a diplomatic agent initiated proceedings, he could invoke immunity from jurisdiction in respect of a counter-claim.

61. If the Conference agreed that that was simply a lacuna, he suggested that the Drafting Committee should be asked to add the words "or by a person enjoying immunity under article 36" after the words "diplomatic agent" in article 30, paragraph 3.

It was so agreed.³

The meeting rose at 6.25 p.m.

³ The Drafting Committee amended the provision in question accordingly.

ELEVENTH PLENARY MEETING

Friday, 14 April 1961, at 10 a.m.

President: Mr. VERDROSS (Austria)

Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (item 10 of the agenda) (*continued*)

1. The PRESIDENT proposed that, as the Conference was to finish its work that day, in order to allow time for preparations for the signing ceremony on Tuesday, 18 April, the time allowed for each speaker should be limited to five minutes.

The proposal was adopted by 59 votes to 1, with 2 abstentions.

Provisions concerning the settlement of disputes

2. The PRESIDENT said that in conformity with the decision of the Committee of the Whole (38th meeting)