

United Nations Conference on Diplomatic Intercourse and Immunities

Vienna, Austria
2 March - 14 April 1961

Table of Contents

Extract from Volume I of the *Official Records of the United Nations Conference on Diplomatic Intercourse and Immunities (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*



**United Nations Conference
on Diplomatic Intercourse
and Immunities**

Vienna — 2 March - 14 April 1961

Official Records

Volume I :

**Summary Records
of Plenary Meetings
and of Meetings
of the Committee of the Whole**

GENEVA - 1962

CONTENTS

	<i>Page</i>		<i>Page</i>
Resolution 1450 (XIV) of the General Assembly convening the Conference	ix	Fifth plenary meeting	
List of delegations	x	<i>Tuesday, 11 April 1961, at 10 a.m.</i>	
Officers of the Conference and its committees	xx	Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (<i>continued</i>)	11
Secretariat of the Conference	xxi	Draft convention:	
Agenda	xxii	Article 5 <i>bis</i>	11
Rules of procedure	xxiii	Article 6	12
		Article 7	12
Summary records of plenary meetings		Article 8	13
First plenary meeting		Article 9	13
<i>Thursday, 2 March 1961, at 3 p.m.</i>		Article 10	13
Opening of the Conference	1	Article 11	14
Address by the Federal President of the Republic of Austria	2	Article 12	14
Question of participation in the Conference	2	Article 13	14
Election of the President	4	Article 14	14
Adoption of the agenda	5	Article 15	14
		Article 15 <i>bis</i>	15
Second plenary meeting		Article 16	15
<i>Friday, 3 March 1961, at 3.40 p.m.</i>		Sixth plenary meeting	
Adoption of the rules of procedure	5	<i>Tuesday, 11 April 1961, at 3.25 p.m.</i>	
Election of the Chairman of the Committee of the Whole	5	Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (<i>continued</i>)	15
Election of Vice-Presidents	6	Draft convention:	
Appointment of the Credentials Committee	6	Article 17	15
Organization of work	6	Article 18	15
Third plenary meeting		Article 19	15
<i>Thursday, 16 March 1961, at 10.30 a.m.</i>		Article 20	15
Election of the drafting committee	6	Article 21	16
Fourth plenary meeting		Article 22	16
<i>Monday, 10 April 1961, at 3.15 p.m.</i>		Article 23	16
Consideration of draft articles on special missions in accordance with resolution 1504 (XV) adopted by the General Assembly on 12 December 1960	7	Article 24	17
Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959	7	Article 25	17
Title of draft convention	7	Article 26	18
Preamble	7	Article 27	18
Article 1	7	Article 28	18
Article 2	7	Article 29	18
Article 3	7	Seventh plenary meeting	
Article 4	10	<i>Wednesday, 12 April 1961, at 10 a.m.</i>	
Article 5	10	Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (<i>continued</i>)	19

	<i>Page</i>
Draft convention:	
Article 29 (<i>continued</i>)	19
Article 40 <i>bis</i>	21
Article 29 (<i>concluded</i>)	21
Article 30	21
Article 31	22
Article 32	22
Article 33	22
Article 34	22
Article 35	23
Eighth plenary meeting	
<i>Wednesday, 12 April 1961, at 4.15 p.m.</i>	
Consideration of the report of the Credentials Committee	23
Ninth plenary meeting	
<i>Thursday, 13 April 1961, at 10 a.m.</i>	
Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (<i>resumed from the seventh meeting</i>)	29
Draft convention:	
Article 35 (<i>resumed from the seventh meeting</i>)	29
Article 36	31
Tenth plenary meeting	
<i>Thursday, 13 April 1961, at 3.20 p.m.</i>	
Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (<i>continued</i>)	36
Draft convention:	
Article 36 (<i>continued</i>)	36
Article 38	37
Article 39	38
Article 40	38
Article 41	38
Article 42	38
Article 43	39
Article 43 <i>bis</i>	39
Article 44	39
Article 36, paragraph 2 (<i>resumed from para. 7</i>)	39
Article 30, paragraph 3 (<i>resumed from the seventh plenary meeting</i>)	41
Eleventh plenary meeting	
<i>Friday, 14 April 1961, at 10 a.m.</i>	
Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (<i>continued</i>)	41
Provisions concerning the settlement of disputes	41
Draft convention:	
Articles 45, 46 and 47	45
Article 48	46
Article 49	46
Article 50	46
Article 36 (<i>resumed from the tenth plenary meeting</i>)	46

	<i>Page</i>
Twelfth plenary meeting	
<i>Friday, 14 April 1961, at 3.15 p.m.</i>	
Consideration of the question of diplomatic intercourse and immunities in accordance with resolution 1450 (XIV) adopted by the General Assembly on 7 December 1959 (<i>concluded</i>)	47
Draft convention:	
Article 36 (<i>concluded</i>)	47
Article 37	49
Adoption of the draft convention as a whole	50
Draft resolution on the consideration of civil claims ...	50
Draft optional protocol concerning acquisition of nationality	51
Optional Protocol concerning the compulsory settlement of disputes (<i>resumed from the eleventh meeting and concluded</i>)	51
Tribute to the International Law Commission	51
Tribute to the Government and people of the Republic of Austria	51
Closure of the Conference	52
Summary records of meetings of the Committee of the Whole	
1st meeting	
<i>Monday, 6 March 1961, at 10.55 a.m.</i>	
Election of vice-chairmen	55
Election of rapporteur	55
Organization of work	55
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session	55
Article 1 (Definitions)	55
2nd meeting	
<i>Monday, 6 March 1961, at 3 p.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	57
Article 1 (Definitions) (<i>continued</i>)	57
Article 2 (Establishment of diplomatic relations and missions)	57
Article 3 (Functions of a diplomatic mission)	58
Article 4 (Appointment of the head of the mission: agrément)	60
Article 5 (Appointment to more than one State)	60
3rd meeting	
<i>Tuesday, 7 March 1961, at 10.45 a.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 6 (Appointment of the staff of the mission);	
Article 7 (Appointment of nationals of the receiving State);	
Article 8 (Persons declared <i>persona non grata</i>);	
Article 9 (Notification of arrival and departure);	
Article 10 (Size of staff)	60

4th meeting	
<i>Tuesday, 7 March 1961, at 3 p.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 6 (Appointment of the staff of the mission) (<i>continued</i>);	
Article 7 (Appointment of nationals of the receiving State) (<i>continued</i>);	
Article 8 (Persons declared <i>persona non grata</i>) (<i>continued</i>);	
Article 9 (Notification of arrival and departure) (<i>continued</i>)	63
Article 10 (Size of staff) (<i>continued</i>)	64
5th meeting	
<i>Wednesday, 8 March 1961, at 10.55 a.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 1 (Definitions) (<i>resumed from the second meeting</i>);	
Article 2 (Establishment of diplomatic relations and missions) (<i>resumed from the second meeting</i>);	
Article 3 (Functions of a diplomatic mission) (<i>resumed from the second meeting</i>);	
Article 4 (Appointment of the head of the mission: agrément) (<i>resumed from the second meeting</i>);	
Article 5 (Appointment to more than one State) (<i>resumed from the second meeting</i>)	67
6th meeting	
<i>Wednesday, 8 March 1961, at 3 p.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 1 (Definitions)	
Article 2 (Establishment of diplomatic relations and missions) (<i>continued</i>);	
Article 3 (Functions of a diplomatic mission) (<i>continued</i>);	
Article 4 (Appointment of the head of the mission: agrément) (<i>continued</i>);	
Article 5 (Appointment to more than one State) (<i>continued</i>)	70
7th meeting	
<i>Thursday, 9 March 1961, at 10.55 a.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 1 (Definitions) (<i>continued</i>)	75
Proposed new article concerning the right of legation	78
Article 2 (Establishment of diplomatic relations and missions)	78
8th meeting	
<i>Thursday, 9 March 1961, at 3 p.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 2 (Establishment of diplomatic relations and missions) (<i>continued</i>)	79
Article 3 (Functions of a diplomatic mission)	79

9th meeting	
<i>Friday, 10 March 1961, at 10.30 a.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 3 (Functions of a diplomatic mission) (<i>continued</i>)	84
Proposed new article concerning the protection of interests of a third State	85
Article 4 (Appointment of the head of the mission: agrément)	86
10th meeting	
<i>Friday, 10 March 1961, at 3 p.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 5 (Appointment to more than one State)	87
11th meeting	
<i>Monday, 13 March 1961, at 10.30 a.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 5 (Appointment to more than one State) (<i>continued</i>)	93
Article 6 (Appointment of the staff of the mission)	93
12th meeting	
<i>Monday, 13 March 1961, at 3.15 p.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 6 (Appointment of the staff of the mission) (<i>continued</i>)	96
Article 7 (Appointment of nationals of the receiving State)	98
Proposal by the Netherlands and Spain concerning the representation of two or more States by one diplomatic agent	100
Article 8 (Persons declared <i>persona non grata</i>)	101
13th meeting	
<i>Tuesday, 14 March 1961, at 10.30 a.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 8 (Persons declared <i>persona non grata</i>) (<i>continued</i>)	101
Article 9 (Notification of arrival and departure)	103
14th meeting	
<i>Tuesday, 14 March 1961, at 3.15 p.m.</i>	
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 9 (Notification of arrival and departure) (<i>continued</i>)	105
Article 10 (Size of staff)	106

	<i>Page</i>		<i>Page</i>
15th meeting		22nd meeting	
<i>Wednesday, 15 March 1961, at 10.30 a.m.</i>		<i>Monday, 20 March 1961, at 3 p.m.</i>	
Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 11 (Offices away from the seat of the mission)	108	Article 20 (Inviolability of the mission premises) (<i>con- tinued</i>)	137
Article 12 (Commencement of the functions of the head of the mission)	112	23rd meeting	
16th meeting		<i>Tuesday, 21 March 1961, at 10.40 a.m.</i>	
<i>Wednesday, 15 March 1961, at 3 10 p.m.</i>		Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Article 20 (Inviolability of the mission premises (<i>con- tinued</i>))	143
Article 12 (Commencement of the functions of the head of the mission) (<i>continued</i>)	113	Article 13 (Classes of heads of mission (<i>resumed from the 17th meeting</i>))	143
Article 13 (Classes of heads of mission)	115	Article 21 (Exemption of mission premises from tax)	146
17th meeting		Appointment of sub-committee to consider item 11 of the agenda (Special missions)	148
<i>Thursday, 16 March 1961, at 10.30 a.m.</i>		24th meeting	
Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		<i>Tuesday, 21 March 1961, at 3 p.m.</i>	
Article 13 (Classes of heads of mission) (<i>continued</i>)	116	Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
18th meeting		Article 22 (Inviolability of the archives)	148
<i>Thursday, 16 March 1961, at 3.20 p.m.</i>		Article 23 (Facilities)	150
Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Proposed additional article (concerning deeds executed on mission premises)	150
Article 14	120	Article 24 (Free movement)	150
Article 15 (Precedence)	120	Article 25 (Freedom of communication)	152
Proposed new article concerning the diplomatic corps	123	Article 26	152
Article 16 (Mode of reception)	124	25th meeting	
Article 17 (Chargé d'affaires ad interim)	124	<i>Wednesday, 22 March 1961, at 3 p.m.</i>	
19th meeting		Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
<i>Friday, 17 March 1961, at 10.30 a.m.</i>		Article 31 (Exemption from social security legislation)	153
Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Article 25 (Freedom of communication) (<i>resumed from the 24th meeting</i>)	154
Article 17 (Chargé d'affaires ad interim) (<i>continued</i>)	125	Article 27 (Personal inviolability)	160
Article 18 (Use of flag and emblem)	128	26th meeting	
20th meeting		<i>Thursday, 23 March 1961, at 10.45 a.m.</i>	
<i>Friday, 17 March 1961, at 3.25 p.m.</i>		Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Article 25 (Freedom of communication) (<i>resumed from the 25th meeting</i>)	160
Article 18 (Use of flag and emblem) (<i>continued</i>)	130	27th meeting	
New article proposed by Mexico concerning the basis of diplomatic privileges and immunities	131	<i>Thursday, 23 March 1961, at 3 p.m.</i>	
Article 19 (Accommodation)	133	Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
21st meeting		Proposed new article concerning the diplomatic corps (<i>resumed from the 18th meeting</i>)	164
<i>Monday, 20 March 1961, at 10.45 a.m.</i>		Article 28 (Inviolability of residence and property)	165
Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Article 29 (Immunity from jurisdiction)	165
Article 19 (Accommodation) (<i>continued</i>)	134		
Article 20 (Inviolability of the mission premises)	135		

	Page		Page
28th meeting			
<i>Friday, 24 March 1961, at 10.45 a.m.</i>			
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Article 35 (Acquisition of nationality) (<i>resumed from the 31st meeting</i>)	201
Article 29 (Immunity from jurisdiction) (<i>continued</i>)	170	Article 37 (Diplomatic agents who are nationals of the receiving State)	204
Article 30 (Waiver of immunity)	173		
29th meeting		35th meeting	
<i>Friday, 24 March 1961, at 3 p.m.</i>			
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		<i>Wednesday, 29 March 1961, at 3.20 p.m.</i>	
Article 30 (Waiver of immunity) (<i>continued</i>)	174	Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 25 (Freedom of communication) (<i>resumed from the 26th meeting</i>)	177	Article 38 (Duration of privileges and immunities)	206
		Article 32 (Exemption from taxation) (<i>resumed from the 31st meeting</i>)	209
30th meeting		Article 39 (Duties of third States)	209
<i>Monday, 27 March 1961, at 10.30 a.m.</i>			
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Article 40	210
Article 31 (Exemption from social security legislation) (<i>resumed from the 25th meeting</i>)	182		
Article 32 (Exemption from taxation)	183	36th meeting	
31st meeting		<i>Thursday, 30 March 1961, at 10.30 a.m.</i>	
<i>Monday, 27 March 1961, at 3.20 p.m.</i>			
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 32 (Exemption from taxation) (<i>continued</i>)	186	New article proposed by Colombia debarring diplomatic staff from professional and commercial activities	211
Proposed new article concerning the "diplomatic clause" in leases	187	Article 41 (Modes of termination)	213
Article 33 (Exemption from personal services and contributions)	187	Article 42 (Facilitation of departure)	214
Article 34 (Exemption from customs duties and inspection)	188		
Article 35 (Acquisition of nationality)	191	37th meeting	
32nd meeting		<i>Thursday, 30 March 1961, at 3.15 p.m.</i>	
<i>Tuesday, 28 March 1961, at 10.30 a.m.</i>			
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
Article 31 (Exemption from social security legislation) (<i>resumed from the 30th meeting</i>)	193	Article 42 (Facilitation of departure) (<i>continued</i>)	216
Article 36 (Persons entitled to diplomatic privileges and immunities)	193	Article 43 (Protection of premises, archives and interests)	217
		Proposed new article concerning the protection of interests of a third State (<i>resumed from the 9th meeting</i>)	217
33rd meeting		Article 44 (Non-discrimination)	217
<i>Tuesday, 28 March 1961, at 3.15 p.m.</i>			
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		New article proposed by Indonesia concerning reciprocity	219
Article 36 (Persons entitled to privileges and immunities) (<i>continued</i>)	198	New article proposed by Belgium	219
		Article 45 (Settlement of disputes)	219
34th meeting		38th meeting	
<i>Wednesday, 29 March 1961, at 10.30 a.m.</i>			
Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		<i>Tuesday, 4 April 1961, at 10.50 a.m.</i>	
		Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
		Article 45 (Settlement of disputes) (<i>continued</i>)	222
		Article 1 (Definitions): second reading	225
		39th meeting	
		<i>Tuesday, 4 April 1961, at 3 p.m.</i>	
		Consideration of the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)	
		Article 1 (Definitions): second reading (<i>continued</i>)	226
		Preamble	227
		Consideration of draft articles on special missions adopted by the International Law Commission at its twelfth session (A/4425)	230

40th meeting	Page	41st meeting	Page
<i>Wednesday, 5 April 1961, at 10.50 a.m.</i>		<i>Wednesday, 5 April 1961, at 3 p.m.</i>	
Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>continued</i>)		Consideration of the draft articles on diplomatic inter- course and immunities adopted by the International Law Commission at its tenth session (<i>concluded</i>)	
Title and final clauses	231	Title and final clauses (<i>concluded</i>)	235
		Completion of the Committee's work	240

OFFICERS OF THE CONFERENCE AND ITS COMMITTEES

President of the Conference

Mr. Alfred Verdross (Austria)

Vice-Presidents of the Conference

The representatives of the following States: Argentina, Canada, Chile, China, Colombia, Czechoslovakia, France, Iran, Iraq, Italy, Liberia, Mexico, Nigeria, Philippines, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia

Committee of the Whole

Chairman: Mr. A. S. Lall (India)

Vice-Chairmen: Mr. H. Birecki (Poland), Mr. N. Iriniz Casas (Uruguay)

Rapporteur: Mr. W. Riphagen (Netherlands)

Credentials Committee

Members: Australia, El Salvador, Haiti, Mali, Philippines, Spain, Union of Soviet Socialist Republics, United Arab Republic, United States of America

Chairman: Mr. J. C. G. Kevin (Australia)

SECRETARIAT OF THE CONFERENCE

Mr. C. A. Stavropoulos (*Representative of the Secretary-General of the United Nations*),
Legal Counsel of the United Nations

Dr. Yuen-li Liang (*Executive Secretary of the Conference*), Director, Codification Division,
Office of Legal Affairs

Mr. G. Sandberg, Deputy Director, Codification Division, Office of Legal Affairs

Mr. N. Teslenko, Office of Legal Affairs

Mr. S. Torres-Bernardes, Office of Legal Affairs

Mr. J. S. Scott, Office of Legal Affairs