

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

Vienna, Austria  
2 March - 14 April 1961

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**A/CONF.20/10**

## **Final Act of the United Nations Conference on Diplomatic Intercourse and Immunities**

Extract from Volume II of the *Official Records of the United Nations Conference on Diplomatic Intercourse and Immunities (Annexes, Final Act, Vienna Convention on Diplomatic Relations, Optional Protocols and Resolutions)*

**DOCUMENT A/CONF.20/10****Final Act of the United Nations Conference on Diplomatic Intercourse and Immunities**

1. The General Assembly of the United Nations, by resolution 1450 (XIV) of 7 December 1959, decided to convene an international conference of plenipotentiaries to consider the question of diplomatic intercourse and immunities and to embody the results of its work in an international convention, together with such ancillary instruments as might be necessary. The General Assembly, accepting an invitation extended by the Federal Government of Austria, also asked the Secretary-General to convoke the conference at Vienna not later than the spring of 1961.

2. The United Nations Conference on Diplomatic Intercourse and Immunities met at the Neue Hofburg in Vienna, Austria, from 2 March to 14 April 1961.

3. The governments of the following eighty-one States were represented at the Conference: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Leopoldville), Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federal Republic of Germany, Federation of Malaya, Finland, France, Ghana, Greece, Guatemala, Haiti, Holy See, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Liechtenstein, Luxembourg, Mali, Mexico, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal Republic of Korea, Republic of Viet Nam, Romania, Saudi Arabia, Senegal, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

4. At the invitation of the General Assembly, the following specialized agencies were represented by observers at the Conference:

International Labour Organisation;  
Food and Agriculture Organization of the United Nations;  
United Nations Educational, Scientific and Cultural Organization.

5. At the invitation of the General Assembly, the International Atomic Energy Agency and the following intergovernmental organizations were also represented by observers at the Conference:

League of Arab States;  
Asian-African Legal Consultative Committee.

6. The Conference elected Mr. Alfred Verdross (Austria) as President.

7. The Conference elected as Vice-Presidents the representatives of the following participating 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.

8. The following committees were set up by the Conference:

*General Committee*

Members: The President of the Conference, the Vice-Presidents, and the Chairman of the Committee of the Whole;

Chairman: The President of the Conference.

*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).

*Drafting Committee*

Members: Mr. Geraldo Eulalio do Nascimento e Silva (Brazil), Mr. Hu Ching-Yu (China), Mr. Jacques Patey (France), Mr. E. K. Dadzie (Ghana), Mr. Endre Ustor (Hungary), Mr. Alfonso de Rosenzweig Diaz (Mexico), Mr. Rudolf L. Bindschedler (Switzerland), Mr. G. I. Tunkin (Union of Soviet Socialist Republics), Mr. Abdullah El-Erian (United Arab Republic), Mr. F. A. Vallat (United Kingdom of Great Britain and Northern Ireland), Mr. Warde M. Cameron (United States of America);

Chairman: Mr. R. S. S. Gunewardene (Ceylon).

*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).

9. The Committee of the Whole set up the following sub-committee:

*Sub-Committee on Special Missions*

Members: Ecuador, Iraq, Italy, Japan, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia;

Chairman: Mr. N. Ponce Miranda (Ecuador).

10. The Secretary-General of the United Nations was represented by Mr. C. A. Stavropoulos, the Legal Counsel. Mr. Yuen-li Liang, Director of the Codification Division of the Office of Legal Affairs of the United Nations, was appointed Executive Secretary.

11. The General Assembly, by its resolution 1450 (XIV) convening the Conference, referred to the Conference chapter III of the "Report of the International Law Commission covering the Work of its Tenth Session"<sup>1</sup> as the basis for its consideration of the question of

<sup>1</sup> Official Records of the General Assembly, Thirteenth Session, Supplement No. 9 (A/3859).

diplomatic intercourse and immunities. The General Assembly, by its resolution 1504 (XV) of 12 December 1960, also referred to the Conference the draft articles on special missions contained in chapter III of the "Report of the International Law Commission covering the Work of its Twelfth Session",<sup>2</sup> so that they might be considered together with the draft articles on diplomatic intercourse and immunities included in the Commission's report on its tenth session.

12. The Conference also had before it observations submitted by governments<sup>3</sup> on the drafts prepared by the International Law Commission during successive stages of its work, preparatory documentation prepared by the Secretariat of the United Nations, the text of the final report of the Asian-African Legal Consultative Committee on functions, privileges and immunities of diplomatic envoys or agents, adopted at the Committee's third session,<sup>4</sup> and the text of the Convention regarding diplomatic officers adopted by the Sixth International American Conference and signed at Havana, 20 February 1928.<sup>5</sup>

13. On the basis of the deliberations, as recorded in the records and report of the Committee of the Whole and in the records of the plenary meetings, the Conference prepared the following Convention and Protocols :

Vienna Convention on Diplomatic Relations;  
Optional Protocol concerning Acquisition of Nationality;  
Optional Protocol concerning the Compulsory Settlement of Disputes.

The foregoing convention and protocols, which are subject to ratification, were adopted by the Conference on 14 April 1961, and opened for signature on 18 April 1961, in accordance with their provisions, until 31 October 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1962, at the United Nations Headquarters in New York. The same instruments were also opened for accession, in accordance with their provisions, and will be deposited with the Secretary-General of the United Nations.

14. In addition, the Conference adopted the following resolutions, which are annexed to this Final Act :

Resolution on Special Missions;  
Resolution on Consideration of Civil Claims;  
Resolution expressing a tribute to the International Law Commission;  
Resolution expressing a tribute to the Government and people of the Republic of Austria.

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE AT VIENNA this eighteenth day of April, one thousand nine hundred and sixty-one, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. By unanimous decision of the Conference, the original of this Final Act shall be deposited in the archives of the Federal Ministry for Foreign Affairs of Austria.

## DOCUMENT A/CONF.20/13 and Corr.1 Vienna Convention on Diplomatic Relations

*The States parties to the present convention,*

*Recalling* that peoples of all nations from ancient times have recognized the status of diplomatic agents,

*Having in mind* the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

*Believing* that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

*Realizing* that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States,

*Affirming* that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention,

*Have agreed* as follows :

### Article 1

For the purpose of the present convention, the following expressions shall have the meanings hereunder assigned to them :

(a) The "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;

(b) The "members of the mission" are the head of the mission and the members of the staff of the mission;

(c) The "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;

(d) The "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;

(e) A "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;

(f) The "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;

(g) The "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;

(h) A "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;

(i) The "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

### Article 2

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

<sup>1</sup> *Ibid*, Fifteenth Session, Supplement No. 9 (A/4425).

<sup>2</sup> A/3859, annex, and A/4164 and Add.1 to 7.

<sup>3</sup> Reproduced in document A/CONF.20/6.

<sup>4</sup> Reproduced in document A/CONF.20/7.