

United Nations Conference on Diplomatic Intercourse and Immunities

Vienna, Austria
2 March - 14 April 1961

Document:-
A/CONF.20/10/Add.1

Resolutions adopted by the Conference

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)*

equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article III.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present protocol.

DONE AT VIENNA, this eighteenth day of April one thousand nine hundred and sixty-one.

DOCUMENT A/CONF.20/12
Vienna Convention on Diplomatic Relations

OPTIONAL PROTOCOL CONCERNING
THE COMPULSORY SETTLEMENT OF DISPUTES

The States parties to the present protocol and to the Vienna Convention on Diplomatic Relations, hereinafter referred to as "the Convention", adopted by the United Nations Conference held at Vienna from 2 March to 14 April 1961,

Expressing their wish to resort in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement has been agreed upon by the parties within a reasonable period,

Have agreed as follows :

Article I

Disputes arising out of the interpretation or application of the convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to the dispute being a party to the present protocol.

Article II

The parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party may bring the dispute before the Court by an application.

Article III

1. Within the same period of two months, the parties may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

Article IV

States parties to the convention, to the Optional Protocol concerning Acquisition of Nationality, and to the present protocol may at any time declare that they will extend the provisions of the present protocol to disputes arising out of the interpretation or application of the Optional Protocol concerning Acquisition of Nationality. Such declarations shall be notified to the Secretary-General of the United Nations.

Article V

The present protocol shall be open for signature by all States which may become parties to the convention, as follows : 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.

Article VI

The present protocol is subject to ratification. The instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article VII

The present Protocol shall remain open for accession by all States which may become parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article VIII

1. The present protocol shall enter into force on the same day as the convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Secretary-General of the United Nations, whichever day is the later.

2. For each State ratifying or acceding to the present protocol after its entry into force in accordance with paragraph 1 of this article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article IX

The Secretary-General of the United Nations shall inform all States which may become parties to the convention :

- (a) Of signatures to the present protocol and of the deposit of instruments of ratification or accession, in accordance with articles V, VI and VII;
- (b) Of declarations made in accordance with article IV of the present protocol;
- (c) Of the date on which the present protocol will enter into force, in accordance with article VIII.

Article X

The original of the present protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article V.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present protocol.

DONE AT VIENNA, this eighteenth day of April one thousand nine hundred and sixty-one.

DOCUMENT A/CONF.20/10/Add.1
Resolutions adopted by the Conference

I. — SPECIAL MISSIONS

The United Nations Conference on Diplomatic Intercourse and Immunities,

Recalling that the General Assembly of the United Nations, by its resolution 1504 (XV) of 12 December 1960,

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",

Recognizing the importance of the subject of special missions,

Taking note of the comments of the International Law Commission that the draft articles on special missions constituted only a preliminary survey and that the time at its disposal had not permitted the Commission to undertake a thorough study of the matter,

Considering the limited time available to the Conference to study the subject in full,

Recommends to the General Assembly of the United Nations that it refer to the International Law Commission further study of the subject of special missions in the light of the Vienna Convention on Diplomatic Relations adopted at the present conference.

*4th plenary meeting
10 April 1961*

II. — CONSIDERATION OF CIVIL CLAIMS

The United Nations Conference on Diplomatic Intercourse and Immunities,

Taking note that the Vienna Convention on Diplomatic Relations adopted by the Conference provides for immunity from the jurisdiction of the receiving State of members of the diplomatic mission of the sending State,

Recalling that such immunity may be waived by the sending State,

Recalling further the statement made in the preamble to the convention that the purpose of such immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions,

Mindful of the deep concern expressed during the deliberations of the Conference that claims of diplomatic immunity might, in certain cases, deprive persons in the

receiving State of remedies to which they are entitled by law,

Recommends that the sending State should waive the immunity of members of its diplomatic mission in respect of civil claims of persons in the receiving State when this can be done without impeding the performance of the functions of the mission, and that, when immunity is not waived, the sending State should use its best endeavours to bring about a just settlement of the claims.

*12th plenary meeting
14 April 1961*

III. — TRIBUTE TO THE INTERNATIONAL LAW COMMISSION

The United Nations Conference on Diplomatic Intercourse and Immunities,

Having adopted the Vienna Convention on Diplomatic Relations on the basis of draft articles prepared by the International Law Commission,

Resolves to express its deep gratitude to the International Law Commission for its outstanding contribution to the codification and development of the rules of international law on diplomatic intercourse and immunities.

*12th plenary meeting
14 April 1961*

IV. — TRIBUTE TO THE GOVERNMENT AND PEOPLE OF THE REPUBLIC OF AUSTRIA

The United Nations Conference on Diplomatic Intercourse and Immunities,

Having adopted the Vienna Convention on Diplomatic Relations,

Expresses its deep appreciation to the Government and people of the Republic of Austria for making possible the holding of the Conference in Vienna and for their generous hospitality and great contribution to the successful completion of the work of the Conference.

*12th plenary meeting
14 April 1961*