

United Nations Conference on Diplomatic Intercourse and Immunities

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Proposals and amendments submitted to the plenary 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)*

PROPOSALS AND AMENDMENTS SUBMITTED TO THE PLENARY CONFERENCE

DOCUMENT A/CONF.20/L.3

United Kingdom : amendment to the preamble to the draft convention (A/CONF.20/L.2/Add.1)

[Original : English]
[8 April 1961]

In the fourth paragraph of the preamble, after the words "the purpose of such privileges and immunities is" add : "not to benefit individuals but".

DOCUMENT A/CONF.20/L.4/Rev.1

Israel : draft resolution

[Original : English]
[11 April 1961]

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.

DOCUMENT A/CONF.20/L.5

Netherlands : amendment to article 29 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : English]
[10 April 1961]

In sub-paragraph (c) of paragraph 1, replace the words "tax on private income having its source in the receiving State" by the words "taxes payable under article 32".

DOCUMENT A/CONF.20/L.6

Netherlands : amendments to article 37 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : English]
[10 April 1961]

In paragraph 1, replace the words "a diplomatic agent" by the words "a member of the mission".

In paragraph 2, delete the words "Other members of the staff of the mission and".

DOCUMENT A/CONF.20/L.7

Netherlands : amendment to article 38 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : English]
[10 April 1961]

In the first sentence of paragraph 4, delete the comma after the words "or a member of his family" and add the words "forming part of his household,".

DOCUMENT A/CONF.20/L.8

Tunisia : amendment to article 6 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : French]
[10 April 1961]

Replace the sentence : "In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand, for its approval" by the words : "Military, naval and air attachés may, however, be appointed only with the prior express consent of the receiving State."

DOCUMENT A/CONF.20/L.9/Rev.1

Libya, Morocco and Tunisia : amendments to article 36 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : French]
[10 April 1961]

I. Replace paragraph 2 by the following text :

"2. The receiving State shall, without discrimination and to the extent of the reasonable needs of the mission, grant to members of the administrative and technical staff of the mission performing confidential duties and to members of their families forming part of their households, if they are not nationals of or permanently resident in the receiving State, the privileges and immunities mentioned in articles 27 to 33 and, in respect of articles imported at the time of their installation, the privileges mentioned in article 34, paragraph 1."

II. Between paragraphs 2 and 3, insert the following new paragraph 3 :

" 3. Members of the administrative and technical staff other than those specified in the preceding paragraph shall, if they are not nationals of or permanently resident in the receiving State, enjoy immunity in respect of acts performed in the course of their duties, the exemptions mentioned in articles 31, 32 and 33 and, in respect of articles imported at the time of their first installation, the privileges mentioned in article 34, paragraph 1."

III. Renumber the other paragraphs consequentially.

DOCUMENT A/CONF.20/L.11

Brazil, France, Italy, Liberia, Libya, Morocco, Philippines and Tunisia : amendment to article 9 of the Draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : French]
[10 April 1961]

In paragraph 1, sub-paragraph (a), delete the words "the arrival of members of the mission after their appointment to the mission," and substitute the words: "the appointment of members of the mission, their arrival".

DOCUMENT A/CONF.20/L.13 and Add.1

Argentina, Cambodia, Chile, Colombia, Cuba, Dominican Republic, Ecuador, France, Guatemala, Honduras, Italy, Netherlands, Panama, Peru, Philippines, El Salvador, Spain, Switzerland, Viet-Nam : amendment to article 36 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : French]
[11 April 1961]

Amend paragraph 2 as follows :

(a) At the beginning of the second line, delete the words "together with" and substitute the word "and".

(b) Delete the words "articles 27 to 33" and substitute the words "articles 27, 28, 30, 31, 32 and 33."

(c) At the end of the paragraph add the following sentence: "They shall also enjoy immunity from jurisdiction in respect of acts performed in the exercise of their functions."

Thus amended, paragraph 2 reads as follows :

" 2. Members of the administrative and technical staff of the mission and members of their families forming part of their respective households shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in articles 27, 28, 30, 31, 32 and 33, and the privileges specified in article 34, paragraph 1, in respect of articles imported at the time of first installation. They shall also enjoy immunity from jurisdiction in respect of acts performed in the exercise of their functions."

DOCUMENT A/CONF.20/L.15 and Add.1

Argentina, Ceylon, Ethiopia, Federation of Malaya, Ghana, India, Indonesia, Iraq, Libya, Mexico, Morocco, Nigeria, Tunisia and the United Arab Republic : amendment to article 25 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : English]
[11 April 1961]

In the last sentence of paragraph 1, delete the words "and after obtaining authorization in accordance with the laws of the receiving State and international regulations."

The sentence will then read as follows: "However, the mission may install and use a wireless transmitter only with the consent of the receiving State."

DOCUMENT A/CONF.20/L.16

Switzerland : proposal to insert a new article between articles 44 and 45 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : French]
[11 April 1961]

Between articles 44 and 45 of the draft convention insert, as a new article, the text of article 45 of the draft articles adopted by the International Law Commission.

DOCUMENT A/CONF.20/L.17

Australia : amendment to article 29 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : English]
[12 April 1961]

In paragraph 1, sub-paragraph (a), replace the words "unless he holds it" by the words "unless he actually uses or occupies it".

DOCUMENT A/CONF.20/L.18

Australia : amendment to article 32 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : English]
[12 April 1961]

In sub-paragraph (b), replace the words "unless he holds it" by the words "unless he actually uses or occupies it".

DOCUMENT A/CONF.20/L.20

United Kingdom : amendment to article 36 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : English]
[13 April 1961]

In paragraph 2, after the words "in articles 27 to 33," insert the following: "except that the immunity from the civil jurisdiction of the receiving State specified in paragraph 1 of article 29 shall not extend to acts performed outside the course of their duties."

DOCUMENT A/CONF.20/L.21 and Add.2

Belgium, Ceylon, Federal Republic of Germany, Ghana, India, Federation of Malaya, Netherlands, Nigeria, United Kingdom and United States of America : amendment to article 36 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : English]
[13 April 1961]

In paragraph 2, after the words "in articles 27 to 33," insert the following : "except that the immunity from the civil and administrative jurisdiction of the receiving State specified in paragraph 1 of article 29 shall not extend to acts performed outside the course of their duties."

DOCUMENT A/CONF.20/L.22

United Arab Republic and Spain : draft resolution

[Original : English]
[14 April 1961]

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.

DOCUMENT A/CONF.20/L.23

Libya, Morocco and Tunisia : amendments to article 36 of the draft Vienna Convention on Diplomatic Relations (A/CONF.20/L.2/Add.1)

[Original : French]
[14 April 1961]

I. Replace paragraph 2 by the following :

"2. The receiving State shall grant to members of the administrative and technical staff of the mission performing confidential duties and to members of their families

forming part of their households, if they are not nationals of or permanently resident in the receiving State, the privileges and immunities mentioned in articles 27 to 33, except that the immunity from civil and administrative jurisdiction mentioned in article 29 paragraph 1 and immunity from the jurisdiction of police courts shall not extend to acts performed outside the course of their duties, and, in respect of articles imported at the time of their first installation, shall grant them the privileges mentioned in article 34, paragraph 1. However, the number of members of the administrative and technical staff referred to above shall not be less than the number of members of the diplomatic staff of the mission."

II. Insert the following new paragraph 3 between the present paragraphs 2 and 3.

"3. Members of the administrative and technical staff other than those specified in the preceding paragraph shall, if they are not nationals of or permanently resident in the receiving State, enjoy immunity in respect of acts performed in the course of their duties, the exemptions mentioned in articles 31, 32 and 33 and, in respect of articles imported at the time of their first installation, the privileges mentioned in article 34, paragraph 1.

III. Re-number the other paragraphs consequentially.

DOCUMENT A/CONF.20/L.24

Ceylon, Federation of Malaya, Ghana, India, Indonesia and Spain : draft resolution

[Original : English]
[14 April 1961]

The United Nations Conference on Diplomatic Intercourse and Immunities,

Having adopted the Vienna Convention on Diplomatic Relations,

Expresses its deep appreciation and gratitude to the Government of the Federal Republic of Austria and to its people for enabling the convocation of the Conference in Vienna and for the great assistance given to the Conference in the successful and pleasant discharge of its functions.