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Summary record of the 386th meeting

Topic:
Diplomatic intercourse and immunities

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was based on the Havana Convention.³ When a State was asked to give its *agrément* to the head of a mission, it was scarcely supposed to give the reasons for its refusal; all that mattered to the sending State was whether the person received the *agrément* of the receiving State or not. Once such a person was in office after *agrément*, the claim for reasons might be stronger.

53. The CHAIRMAN, speaking as a member of the Commission, pointed out that the two cases also differed in respect of the gravity of the act. To refuse a person *agrément* was a much less serious step than to declare him *persona non grata* once he had been appointed.

54. Mr. KHOMAN said that he too saw no objection to deleting the second sentence of article 2, paragraph 1.

55. As regards article 2, paragraph 2, he pointed out that the receiving State might wish to state its reasons in order that there might be no misunderstanding of the grounds for its action. The present text implied that the receiving State should never state its reasons. He therefore supported Mr. Yokota's proposal to delete the words "and without stating its reasons", but suggested that the following sentence be then inserted between the first and second sentences: "It may or may not state the reasons for such action."

56. A similar change should be made in article 3, paragraph 1.

57. Mr. MATINE-DAFTARY, referring to Mr. Verdross's remarks, observed that the appointment of an ambassador was not only a domestic matter but also an act of international consequence, as the nomination of an ambassador was by means of credentials sent by one head of State to another head of State. For that reason he felt that the second sentence of article 2, paragraph 1, should be retained.

58. The sense of Mr. Khoman's amendment to article 2, paragraph 2, might be met more simply, without deleting the phrase "and without stating its reasons", by altering "stating" to "being obliged to state".

59. He also agreed with Mr. François's criticism of the last sentence of paragraph 2, and proposed that it be replaced by the following: "In such cases his mission shall be at an end."

60. Mr. AMADO suggested that in the first sentence of paragraph 2 it would be neater to say "... and without *having to* state its reasons ...".

61. Mr. TUNKIN said that he could agree to the deletion of the last sentence of article 2, paragraph 1, not because it related to a matter of purely domestic concern but because it was redundant; the obligation not to appoint as head of a mission a person who was not acceptable to the receiving State was already recognized in the first sentence.

62. The first sentence of article 2, paragraph 2, was in accordance with current practice. It was not obligatory for the receiving State to give its reasons, but it could do so if it wished. He agreed, however, that the position might be expressed more clearly by some such wording as that suggested by Mr. Khoman, Mr. Matine-Daftary or Mr. Amado.

63. As regards the second sentence of article 2, paragraph 2, Mr. François's criticism was possibly justified. On the other hand, it would not be sufficient to say that the receiving State could demand recall, since there

³ Convention regarding Diplomatic Officers, signed at Havana on 20 February 1928. See League of Nations, *Treaty Series*, vol. CLV, 1934-1935, No. 3581.

would then be nothing to indicate that the sending State must comply with such demand.

64. Mr. SANDSTRÖM, Special Rapporteur, said he quite agreed with Mr. Tunkin that the second sentence of article 2, paragraph 1, was superfluous in view of the first. He therefore withdrew it.

65. On the other hand, he could not agree with Mr. François that it would tend to obviate international misunderstanding and disputes if the receiving State were obliged to state its reasons for declaring the head of a diplomatic mission no longer *persona grata*. However, he appreciated the fact that the deletion of the words "and without stating its reasons" would not mean that such an obligation existed. It might perhaps be possible to refer in the comment to the fact that the receiving State might or might not state its reasons. He had thought that the last sentence of article 2, paragraph 2, would be sufficient, and that a party to a convention would execute the recall, but he would have no objection to amending the sentence to read: "If in such case the head of the mission is not recalled, the receiving State shall be entitled to require his departure."

66. Mr. VERDROSS, replying to Mr. Matine-Daftary, reiterated that the act of appointment was purely and simply a matter of domestic law. The act which was international was the act of accrediting. He therefore suggested that the first—or, now that the Special Rapporteur had agreed to the deletion of the second, the only—sentence of article 2, paragraph 1, be amended to read: "The sending State must make certain that the person it proposes to accredit as head of the mission to another State has received the *agrément* of that State."

67. Mr. SANDSTRÖM, Special Rapporteur, and Mr. FRANÇOIS said that, on reflection, they were prepared to accept Mr. Verdross's suggestion.

Mr. Verdross's suggestion was adopted by 16 votes to none with 1 abstention.

68. Mr. SANDSTRÖM, Special Rapporteur, suggested that the wording proposed by Mr. Matine-Daftary for the second sentence of article 2, paragraph 2 would read better if recast as follows: "In such case his mission shall be regarded as at an end."

69. Mr. AMADO, Mr. PAL and Mr. LIANG (Secretary to the Commission) all expressed serious doubts as to whether such wording would be in accordance with existing practice, since the recall of the head of the mission did not necessarily entail the recall of its other members.

The meeting rose at 12.50 p.m.

386th MEETING

Monday, 29 April 1957, at 3 p.m.

Chairman: Mr. Jaroslav ZOUREK.

Diplomatic intercourse and immunities (A/CN.4/91, A/CN.4/98) (continued)

[Agenda item 3]

CONSIDERATION OF THE DRAFT FOR THE CODIFICATION OF THE LAW RELATING TO DIPLOMATIC INTERCOURSE AND IMMUNITIES (A/CN.4/91) (continued)

ARTICLES 2 AND 3 (continued) AND ARTICLE 4

1. The CHAIRMAN invited the Commission to continue its consideration of the draft articles from article 2, paragraph 2, onwards. He recalled that Mr. Yokota had

proposed the deletion of the words "and without stating its reasons" from that paragraph (385th meeting, para. 43). The Special Rapporteur had redrafted the second sentence of the paragraph in the light of the discussion at the 385th meeting, and proposed the following text: "If in such case he is not recalled, the receiving State may declare his functions terminated."

2. Mr. TUNKIN said that, as he wished to propose some rearrangement of articles 2 to 4, which dealt with related matters, he trusted that the members of the Commission would not object to his dealing with all three articles together.

3. As far as article 2 was concerned, he proposed that it consist only of the paragraph adopted towards the close of the previous meeting. He also wished to propose the following three articles to replace article 2, paragraph 2, article 3 and article 4:

"Article 3. The sending State may freely choose the other officials which it appoints to the mission.

"Article 4. The head and other members of the mission may be chosen from among the nationals of the receiving State only with the express consent of this State.

"Article 4(a). 1. The receiving State may at any time declare the head of the mission, or any other official of the mission, no longer *persona grata*. In such case, this person shall be recalled.

"2. If a sending State refuses, or after a reasonable time fails, to recall the head of the mission or other official of the mission whose recall has been requested by the receiving State, the receiving State may declare the functions of such person as an official of the mission to have been terminated."

4. It would be noted that, while advocating the deletion of article 2, paragraph 2, and part of article 3, paragraph 1, he had combined the questions they dealt with in a new article 4(a). The reason for that was that, although it was desirable to deal with the appointment of the head of the mission and of the other members of the mission in separate articles, the position regarding the declaration of a person as no longer *persona grata* and regarding his recall was substantially the same, whether he was the head of a mission or merely a member of it. So far as could be judged, the Special Rapporteur appeared to be of the same view.

5. He proposed deleting paragraph 2 of article 3 on the ground that it did not appear to be necessary, the question of the list of members of the mission being dealt with later in article 24 in connexion with entitlement to privileges and immunities.

6. Since the problem of the appointment of nationals of the receiving State as members of a foreign diplomatic mission was referred to in article 4, he wondered whether it would not be advisable also to refer to the question of the appointment of nationals of a third State, or to delete the article altogether.

7. As would be seen, his proposal kept very close to the sense of the Special Rapporteur's draft, the sole difference of importance being a certain rearrangement of the subject matter and the omission of the words "and without stating its reasons" and "without obligation to state its reasons".

8. Mr. SANDSTRÖM, Special Rapporteur, said that, though the question of the appointment of nationals of the third State might well arise, he had not felt it neces-

sary to make any reference to that eventuality. Indeed, he had only mentioned the question of the appointment of nationals of the receiving State as heads or members of foreign missions because of the somewhat abnormal situation in which they would be placed *vis-à-vis* the State of their nationality in the matter of privileges and immunities. Mr. Tunkin's proposals did not differ greatly in substance from his own. The arrangement of the subject matter proposed by him might be an improvement, and he was quite willing to consider it.

9. One objection to the deletion of article 3, paragraph 2, was that it was not at all certain at that stage that article 24, paragraph 5, would be retained. Article 24 dealt with the very difficult question of entitlement to privileges and immunities, regarding which he himself entertained some doubt.

10. The CHAIRMAN proposed that, pending the distribution of the text of Mr. Tunkin's amendments, the Commission consider his proposal to delete article 3, paragraph 2.

It was so agreed.

11. Mr. FRANÇOIS suggested that it would be advisable to retain the provision, since it was extremely useful for the authorities of the receiving State, more particularly the tax authorities, to have full details of the membership of foreign missions. The provision could be retained without prejudice to the question as to which members of a mission were entitled to diplomatic privileges and immunities.

12. Sir Gerald FITZMAURICE agreed that the provision should be retained, though he would propose the replacement of the word "must" by the words "shall, if the authorities of the receiving State so require". He thought it desirable for the authorities of the receiving State to have some means of ascertaining who was included in the diplomatic staff of foreign missions, irrespective of the quite distinct question of entitlement to privileges or immunities, which was dealt with in article 24, paragraph 5.

13. Mr. PAL also agreed as to the desirability of retaining the provision regarding the submission of a list of members of foreign diplomatic missions even if only for the purpose of protection.

14. Mr. AMADO, too, favoured retaining the provision, provided the words "living under the same roof" were interpreted liberally. The children of a member of a diplomatic mission might well be living away from their family for part of the time, at a school or university in the receiving State, and nevertheless form an integral part of the family.

15. Mr. KHOMAN said that it would be possible to deal with the idea contained in article 3, paragraph 2, under article 24. From the point of view of presentation, however, it would be useful to have such a provision at the beginning of the draft.

16. The phrase "living under the same roof" did not strike him as a very important element, and he wondered whether it was necessary to keep it.

17. He approved the amendment proposed by Sir Gerald Fitzmaurice.

18. Mr. BARTOS said that article 3, paragraph 2, was a very important provision, since it was essential to know who was entitled to be regarded as a member of a diplo-

matic mission. The question of the definition of members of the families of those composing a mission was also of great significance. Under present-day conditions, the wives and children of diplomatic agents often led a fairly independent existence; they might engage in some occupation or, in the case of the children, take part in student politics in a university in the receiving State. He was strongly in favour of defining clearly the membership of a mission and, in particular, the meaning of the word "family" in that connexion.

19. Mr. VERDROSS said that the question of who was to be regarded as a member of a diplomatic mission, with particular reference to the members of officials' families, was undoubtedly a most important and difficult matter which would require thorough discussion. Since, however, the question arose merely in connexion with entitlement to privileges and immunities, it would be better discussed in conjunction with article 24.

20. Mr. SANDSTRÖM, Special Rapporteur, agreed that the question of families of foreign diplomatic agents was one of the most difficult. He had used the words "living under the same roof" in order to bring out that the members of the family must have some intimate connexion with the diplomatic agent. Members of the family of a foreign diplomatic agent who led a comparatively independent existence should obviously not be entitled to all the privileges and immunities enjoyed by the diplomatic agent himself.

21. He had no objection to the inclusion of Sir Gerald's amendment, which was in accordance with the text of the Harvard Law School draft.¹

22. Mr. MATINE-DAFTARY thought it would be inadvisable to pass over article 3, paragraph 2, pending consideration of article 24. He wondered why the Special Rapporteur wished the names of servants of members of missions to be entered on the list to be communicated to the receiving State. In Iran the practice was to include only the names of the actual members of the mission and their wives and children. The words "living under the same roof" could clearly not be interpreted *stricto sensu*—a diplomatic agent sometimes lived in the town while his family was in the country.

23. Sir Gerald FITZMAURICE said that, in principle, he agreed with the use of the words "living under the same roof", since it conveyed the traditional idea that close relatives of a member of a mission who were living in a separate establishment could not be regarded as members of his family for the purposes of diplomatic protection. In view of present-day conditions, however, when even ambassadors were often unable to live in their own embassies for lack of room, it might perhaps be better to use some other wording such as "forming part of their household".

24. Mr. FRANÇOIS said that, so long as the term "member of a mission" had not been clearly defined, it would be difficult to grasp the proper meaning of some of the articles in the draft. The Special Rapporteur, he noted, used two terms, "member of a mission" and "official"; and, while apparently drawing the distinction, common in the literature on the subject, between official persons, i.e. those appointed by the sending State, and unofficial persons in the personal service of the officials, Mr. Sandström nonetheless regarded both categories as members of a diplomatic mission. The Harvard Law

School draft adopted a different classification, namely, "members of the mission", their "families", "administrative personnel" and "service personnel".

25. Mr. SANDSTRÖM, Special Rapporteur, said that his choice of terms had been deliberate, as he wished to include in the mission not only official staff but also administrative and service staff. He had not thought it necessary to preserve the distinctions made in the Harvard draft.

26. Mr. PAL said that he agreed with the Special Rapporteur that some definition of members of the families of those composing a foreign diplomatic mission was necessary, even for the limited purposes of the list under consideration.

27. He appreciated Mr. Amado's point as to the inadequacy of the phrase "living under the same roof". The question was one of interpretation only. There was nothing in the expression which would prevent the members of the diplomatic agent's family living in an establishment maintained by him from being regarded as living under the same roof. A list of the members of missions was clearly required, but it need not contain the names of all the members of the families of those composing the mission who only happened to be on the territory of the receiving State.

28. Mr. KHOMAN suggested replacing the words "members of their families living under the same roof" by the words "members of their households"—a term which accurately reflected the general practice with regard to foreign diplomatic missions.

29. Mr. YOKOTA remarked that article 3, paragraph 2, was closely bound up with the question of entitlement to privileges and immunities. Though it could be more thoroughly discussed in connexion with article 24, at least the principle of the provision must be decided before proceeding any further.

30. Mr. TUNKIN said the problem had two aspects: the purely technical question of the communication of a list to the ministry of foreign affairs for its information, and the legal question of entitlement to be regarded as a member of a diplomatic mission. The latter was a very important and difficult question on which municipal law varied from country to country. He did not think it appropriate for it to be discussed at length, as it properly came under article 24.

31. Since some members of the Commission were unwilling to delete the provision, he would agree to retaining it provisionally, pending discussion of the question of entitlement to privileges and immunities.

32. Mr. AMADO said that if the members of families and the servants of every member of a diplomatic mission were all to be entered on a list, the list would be a very long one. He was not quite clear whether the head of the mission had to submit the list, or whether each individual member of the mission had to submit his own.

33. As a matter of drafting, he would suggest replacing the words "living under the same roof and their servants" by the words "under their authority and persons in their service".

34. The CHAIRMAN pointed out that the definition of members of the families of persons composing diplomatic missions was often based, in national regulations concerning diplomatic agents and consular representatives, on the concept of economic dependence.

¹ Harvard Law School, *Research in International Law*, I. *Diplomatic Privileges and Immunities* (Cambridge, Mass., 1932), pp. 19-25.

35. It appeared to be the feeling of the Commission that article 3, paragraph 2, should be retained provisionally, and reviewed when the Commission came to discuss article 24 on entitlement to diplomatic privileges and immunities. Some points of terminology might be referred to the drafting committee, when appointed.

36. Mr. TUNKIN referred to his previous statement, and pointed out that the questions of definition involved were more than mere questions of drafting.

37. Mr. SANDSTRÖM, Special Rapporteur, replying to Mr. Amado, said that he had in mind only one list, which would be submitted on the responsibility of the head of the mission.

38. Mr. BARTOS said that he agreed with the suggestion made by Mr. Verdross (para. 19 above). At some time or other the Commission must decide who was entitled to be regarded as a member of a diplomatic mission. He understood it to be the practice of the United States Government to treat any members of families of a foreign diplomatic mission who were gainfully employed as subject to ordinary United States law governing the employment of aliens, even though they might be exempt from the customary visa regulations. If the Commission decided to retain the provision as it stood, the legal consequences might be serious. Even a list such as that proposed in article 3, paragraph 2, which was merely for the information of the ministry of foreign affairs, could have far-reaching implications. It might, for instance, give rise to a conflict of jurisdiction, since aliens registered with a ministry of foreign affairs were not normally regarded as obliged to register with the local authorities.

39. Mr. AMADO said that the draft provision obviously did not give all members of the Commission complete satisfaction, and should be reconsidered in the light of article 24. To refer it to the drafting committee in its existing form would be to burden that committee with a number of unsolved problems.

It was decided that further discussion of article 3, paragraph 2, be postponed pending consideration of article 24.

40. The CHAIRMAN invited the Commission to take up article 3 of Mr. Tunkin's draft (para. 3 above).

41. Mr. BARTOS said that his willingness to discuss the amendments submitted by Mr. Tunkin, even though no French translation of them was available, should not be regarded as a precedent; he asked that that be specially noted.

42. Article 3, in the form proposed by Mr. Tunkin, did not entirely reflect existing practice in two respects. Firstly, it was the established custom, even before the Second World War, for the sending Government to give the receiving Government the name of anyone whom it intended to appoint as a naval, military or air attaché, and to await its consent before making the appointment. Secondly, since the Second World War, it had become the custom in a number of States for the ministry of foreign affairs not to issue an entry visa to any member of a foreign diplomatic mission until his name had been cleared by the Chancellery, which thus possessed, and had in certain cases exercised, the power to refuse entry. Admittedly the latter custom was not in accordance with traditional diplomatic practice, and the Commission might well prefer not to recognize it; but it should at least recognize the former, which was not only well-

established, but seemed reasonable enough if one took into account the delicate nature of the service attaché's duties.

43. Mr. PAL pointed out that the text proposed by Mr. Tunkin was simply a rearrangement of that proposed by the Special Rapporteur. If one was not in accordance with existing practice, neither was the other. Was it not, in fact, the position that the prior consent of the receiving State was needed only for the head of a diplomatic mission?

44. Mr. SANDSTRÖM, Special Rapporteur, observed that there was nothing in the text proposed by him, or in that proposed by Mr. Tunkin, to prevent the sending State from making prior enquiries of the receiving State as to whether it was willing to accept a certain person for certain categories of diplomatic post, where the duties were of a delicate nature. If it made such enquiries, however, it was solely in order not to suffer the embarrassment of having the receiving State declare the official concerned *persona non grata* after he had assumed his duties at the mission. There was no question of its submitting to a recognized rule of international law in that case, as it did in seeking the receiving State's *agrément* for the head of a mission.

45. Sir Gerald FITZMAURICE said that he personally agreed with the Special Rapporteur. The Commission might, however, seek expert advice on the matter before taking a final decision.

46. He had been somewhat disquieted by the bald terms in which article 3 was presented by Mr. Tunkin. One merit of the Special Rapporteur's draft was that the categorical statement—"the sending State may freely choose the other officials whom it appoints to the mission"—was immediately qualified by a reference to the receiving State's right at any time to declare an official *persona non grata*. In Mr. Tunkin's text it was not qualified at all. He accordingly suggested that the following words be prefaced to the text proposed by Mr. Tunkin for article 3: "Subject to the provisions of articles 4 (a) and 5, . . .".

47. Mr. BARTOS, to meet the point he had already made (para. 42 above), suggested the addition of the following sentence at the end of Mr. Tunkin's text for article 3: "The receiving State may declare its refusal to receive mission officials in certain categories without its prior consent."

48. Mr. GARCIA AMADOR pointed out that Mr. Bartos had referred earlier to the specific case of service attachés. The amendment which he now suggested, with its reference merely to "certain categories" of mission official, would make it possible for the receiving State to make prior consent a condition for receiving officials of whatever category. That would be entirely contrary to traditional practice, and he could not believe that it was what Mr. Bartos intended.

49. Mr. BARTOS explained that he had borrowed the phrase "certain categories" from the Special Rapporteur. He agreed, however, that it might be better to refer specifically to service attachés, for the reason given by Mr. Garcia Amador.

50. Mr. AMADO felt that Mr. Bartos had raised a sound point, but that there might be some better way of meeting it. He drew Mr. Bartos's attention to the fact that the section of the draft under discussion was headed "Diplomatic intercourse in general". In his own

view, the Commission should concentrate on reaching agreement as soon as possible on what constituted the basic points of existing law, and leave all controversial matters and innovations aside until a later stage.

51. Mr. SANDSTRÖM, Special Rapporteur, suggested that Mr. Bartos's point could be met by adding the words "or to receive them without its prior consent" to the second sentence of article 5, which would then read: "It may refuse to receive officials of a particular category or to receive them without its prior consent." He recognized, however, that that wording might be open to the objection voiced by Mr. García Amador.

52. Mr. BARTOS said he could accept the Special Rapporteur's suggestion in principle. It could be discussed later in conjunction with article 5, when some way of meeting Mr. García Amador's objection could be sought.

53. Mr. VERDROSS supported the Special Rapporteur's suggestion, which would also appear to cover the case where the receiving State found that one of the persons on the list communicated to its ministry of foreign affairs was objectionable to it, and refused to receive him.

It was agreed that the Special Rapporteur's suggestion (para. 51 above) be considered further in conjunction with article 5.

54. Mr. SANDSTRÖM, Special Rapporteur, supported Sir Gerald's suggestion (para. 46 above) for the addition of the words "Subject to the provisions of articles 4 (a) and 5" at the beginning of the text proposed by Mr. Tunkin for article 3.

55. Mr. TUNKIN said that, in principle, he had no objection to that suggestion, but merely doubted whether it was logically sound since all the draft articles were inter-connected and some such words could be inserted equally well in all of them.

56. Mr. PAL pointed out that logically the Commission could take no decision on Sir Gerald Fitzmaurice's suggestion until it had approved the articles referred to. The text of article 3 could not be put to the vote until the contents of articles 4 (a) and 5 had been settled.

57. Mr. SANDSTRÖM, Special Rapporteur, suggested that the matter be left to the drafting committee.

It was so agreed.

58. Mr. KHOMAN requested that the vote on Mr. Tunkin's text for article 3 be postponed until his text for articles 4 and 4 (a) and the Special Rapporteur's draft article 5 had been discussed.

It was so agreed.

59. Mr. VERDROSS said that, in principle, he had no objection to Mr. Tunkin's text for article 4, but merely wondered whether it was necessary in view of the provisions of article 2 and Mr. Tunkin's draft article 4 (a). It was nowadays very uncommon for the members of a diplomatic mission to be chosen from among the nationals of the receiving State.

60. Mr. EL-ERIAN said that he too had doubts regarding the need for, and even the advisability of, a provision specifically sanctioning a practice which was now regarded as quite exceptional—and rightly so if the whole purpose of diplomatic intercourse and the head of a diplomatic mission's special functions as the representative of the sending country were taken into account. Moreover, as could be seen from paragraphs

178 to 184 of the memorandum prepared by the Secretariat (A/CN.4/98), many States were unwilling to allow their nationals to act as the heads of foreign diplomatic missions, in view of the difficult and delicate problems that arose with regard to immunities and relations between the head of the mission and its other members if they were nationals of the sending State.

61. There were perhaps not quite such strong objections to the nationals of the receiving State being appointed as junior members of foreign diplomatic missions, and a distinction might possibly be made in that respect.

62. Mr. SANDSTRÖM, Special Rapporteur, said that his draft article 4, on which Mr. Tunkin's was modelled, was based on similar provisions in the Harvard Research draft² and the Havana Convention³. Similarly the resolution adopted by the Institute of International Law in 1929⁴, in stipulating that members of a diplomatic mission who were nationals of the receiving State should not enjoy diplomatic privileges and immunities, had implied that there could be employees in that category.

63. He saw no reason why the practice should not be referred to simply because it was not common. If the sending State had sufficient confidence in a national of the receiving State, was it for the International Law Commission to prevent it from appointing him its diplomatic agent? The receiving State, for its part, had every guarantee, since its express consent was required, and if it wished to lay down certain conditions it could always do so during the negotiations preceding such consent.

64. Mr. MATINE-DAFTARY said that he agreed with Mr. Verdross and Mr. El-Erian, particularly as far as heads of mission were concerned. The "demands of the office" theory stated that enjoyment of diplomatic privileges and immunities was necessary for the proper discharge of diplomatic functions; a diplomatic agent who did not enjoy such privileges and immunities, as was the case with most of those who were nationals of the receiving State, could not therefore under that theory discharge his functions properly. In his opinion, for example, an ambassador could not be a national of the receiving State.

65. Mr. Matine-Daftary formally proposed the omission of any provision along the lines of the Special Rapporteur's or Mr. Tunkin's draft article 4.

The meeting rose at 6 p.m.

387th MEETING

Tuesday, 30 April 1957, at 9.45 a.m.

Chairman: Mr. Jaroslav ZOUREK.

Diplomatic intercourse and immunities (A/CN.4/91, A/CN.4/98) (continued)

[Agenda item 3]

CONSIDERATION OF THE DRAFT FOR THE CODIFICATION OF THE LAW RELATING TO DIPLOMATIC INTERCOURSE AND IMMUNITIES (A/CN.4/91) (continued)

ARTICLES 2 TO 4 (continued)

1. The CHAIRMAN invited the Commission to continue its consideration of Mr. Tunkin's draft article 4

² *Ibid.*

³ Convention regarding Diplomatic Officers, signed at Havana on 20 February 1928. See League of Nations, *Treaty Series*, Vol. CLV, 1934-1935, No. 3581.

⁴ *Harvard Law School, op. cit.*, pp. 186 and 187.