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Summary record of the 409th meeting

Topic:
Diplomatic intercourse and immunities

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409th MEETING*Monday, 3 June 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)****ARTICLE 24 (continued)**

1. The CHAIRMAN invited the Commission to continue its consideration of the amended version of article 24, paragraph 1, submitted by Mr. François (407th meeting, para. 86) and accepted by the Special Rapporteur.

2. He pointed out that amendments to that text had already been submitted by Mr. Yokota (408th meeting, para. 69) and Mr. Tunkin (*ibid.*, para. 77). Mr. Bartos would introduce a further amendment shortly.

3. There appeared to be general agreement on the principle enunciated in the first paragraph of Mr. Yokota's and Mr. Tunkin's amendments.

4. Mr. BARTOS said that he could accept the first paragraph on the understanding that it covered all diplomatic collaborators of the head of the mission, whether engaged in general or in special duties.

5. Mr. PAL observed that, since an article dealing with the nationals of the receiving State had already been adopted, it would perhaps be more appropriate to say "subject to the provisions of article 20" than to repeat in both paragraphs "if they are not nationals of the receiving State".

6. Mr. TUNKIN agreed with Mr. Pal. The point could be referred to the Drafting Committee.

Paragraph 1 Mr. Yokota's and Mr. Tunkin's amendments was unanimously adopted.

7. Mr. YOKOTA said that the second paragraph of Mr. Tunkin's amendment might appear to be very little different from his own. The reference to the principle of reciprocity, however, was ambiguous. It might mean that if one State accorded certain privileges and immunities, the other State would do likewise. In other words, if one State did not accord certain privileges and immunities, the other State would not accord them either. That being so, a State could settle the questions of privileges and immunities unilaterally, other States being bound to accept its decision and having no remedy but to accord no more than they were accorded. Such a principle was not only undesirable but positively dangerous, for it opened the door to severe restrictions on privileges and immunities, and to the possibility of disputes. He accordingly thought it preferable to provide, as in his own amendment, that the administrative and service members of the staff of the mission should normally enjoy the same privileges and immunities as the diplomatic members, and that if States wished to limit them they should do so by negotiation and eventual agreement.

8. Sir Gerald FITZMAURICE said that, although there should, on the face of it, be no difference between the two amendments, Mr. Tunkin's text, as interpreted by him at the previous meeting (408th meeting, para. 83),

was the exact opposite of Mr. Yokota's. As Sir Gerald understood the principle of reciprocity in the present content, it should mean that any State prepared to accord privileges and immunities to the diplomatic agents of another State was entitled to claim from that State the same privileges and immunities for its own agents. Mr. Tunkin, however, understood it as meaning that a State was always free to refuse certain privileges and immunities, even to a State prepared to grant them, reciprocity coming into play only in so far as the second State was then free to refuse them also.

9. Mr. BARTOS introduced his amendment, whereby the following paragraph would be inserted after paragraph 1:

"The administrative or technical staff and service staff of a diplomatic mission shall enjoy privileges and immunities with respect to acts performed in the exercise of their functions in the mission. They shall enjoy the privileges and immunities accorded to diplomatic staff only if and in so far as this has been agreed between the countries concerned."

10. He said that being convinced, from both teaching and practice, that functional immunity, or "*petite immunité*" as it was called, was not a matter for negotiation, he had provided in his amendment for the administrative, technical and service members of the staffs of missions to be accorded immunity automatically for acts performed in the exercise of their functions. For other acts, however, the staff in question, in the absence of any special arrangement between the two States concerned, came under the territorial jurisdiction of the receiving State.

11. Mr. PAL said that, of the three amendments proposed, Mr. Bartos's amendment appeared to be the most suitable, and after that, Mr. Yokota's, but even Mr. Bartos's amendment would require drafting changes.

12. The CHAIRMAN reaffirmed the desirability of finding a formula acceptable to practically all States, whatever system those States might apply.

13. Speaking as a member of the Commission, he said that he doubted whether Mr. Yokota's amendment fulfilled that condition. As worded, it would mean that whenever two States were unable to agree on the privileges and immunities to be accorded to administrative and service staff, such staff would automatically enjoy the same privileges and immunities as the diplomatic members.

14. Mr. EL-ERIAN proposed that the Commission first decide the question of principle. There were three possible approaches. The Commission could decide that administrative, technical and service staff should enjoy the same privileges and immunities as diplomatic staff, or that they should enjoy only the same immunities, or that they should enjoy only restricted immunities. Should the Commission decide against the grant of full immunities, it could then decide on what basis a restricted system of immunities should be applied. Mr. Bartos's amendment would be relevant in that connexion.

15. Mr. MATINE-DAFTARY remarked that the principle of reciprocity and the idea that States could settle matters by agreement were already part and parcel of general international law. It was hardly necessary for the Commission to draw attention to such possibilities.

16. As far as immunities were concerned, he placed great store by the theory of functional necessity, and

agreed with Mr. Bartos in considering it vital for administrative, technical and service staff to enjoy immunity in respect of acts performed in the exercise of their functions. Privileges, such as exemption from customs duty, on the other hand, were not essential to the exercise of their functions. The principle of reciprocity could be applied in the case of privileges, but immunities, which were essential to the performance of diplomatic functions, should be governed by the provisions of general international law.

17. He regarded his own amendment (498th meeting, para. 54) as complementary to those of Mr. Yokota and Mr. Bartos, since it provided a means of preventing the abuse of privileges and immunities.

18. Mr. TUNKIN said that he would be willing to accept some modification to his amendment, which was purely a tentative one. Mr. Yokota's amendment, however, went further than existing practice, and, in fact, left the question of privileges and immunities at the mercy of a unilateral decision by the sending State. For that State had only to refuse to come to an agreement with the receiving State and the rule that the administrative and service members of the staff enjoy the same privileges and immunities as the diplomatic members would automatically come into force.

19. In a word, the adoption of Mr. Yokota's amendment would be almost the same as accepting the principle of full equality of treatment contained in the first paragraph of the Special Rapporteur's and Mr. François's text. While Mr. Tunkin would not object to the adoption of that principle, he doubted whether it would stand much chance of general acceptance by States. The Commission must bear in mind that most States did not grant full immunities to administrative and service staff.

20. At first glance, Mr. Bartos's amendment (para. 9 above) appeared a reasonable enough proposal, but he had misgivings over the concept of "acts performed in the exercise of their functions", a concept which was not defined in the text and which it would not be at all easy to define.

21. Mr. SPIROPOULOS pointed out that, although its primary task was to codify, the Commission was also free to encourage the progressive development of international law. The question, however, was in what direction progress lay in the case in point: in the direction of according more, or of according less, rights to administrative and service staff?

22. He agreed with those speakers who considered that there was a profound difference between Mr. Yokota's and Mr. Tunkin's proposals. The objection to Mr. Tunkin's amendment was that, if States could not agree, administrative and service staff might be left without any immunities at all.

23. Mr. Yokota's amendment, on the other hand, might be going rather too far, since, according to the views quoted in the memorandum prepared by the Secretariat (A/CN.4/98, paras. 246-254), the practice with regard to administrative and service staff was far from uniform. If forced to choose, however, Mr. Spiropoulos would prefer Mr. Yokota's amendment, because it did guarantee some immunities to such staff.

24. Mr. Bartos's proposal was a very reasonable one, but he doubted whether the immunity provided for was sufficiently comprehensive.

25. Mr. Spiropoulos himself would propose that a distinction be drawn between administrative and technical staff on the one hand and service staff on the other. Since, as Mr. Verdross and Sir Gerald Fitzmaurice had pointed out, the administrative staff of missions was often of capital importance, the Commission should first decide whether such staff ought not to be accorded full immunity. It could then decide whether service staff ought to enjoy only the functional immunity advocated by Mr. Bartos.

26. Mr. SANDSTRÖM, Special Rapporteur, said that, if the question could be viewed from a purely rational standpoint, his preference would go to Mr. François's text, Mr. Yokota's amendment, Mr. Spiropoulos's proposal and Mr. Bartos's amendment, in that order. Since, however, the Commission must adopt a provision likely to gain wide acceptance among States, it had no alternative but to provide for a minimum of immunity and make any additions dependent on agreement. That being so, he felt obliged to support Mr. Bartos's amendment, on the understanding, of course, that the ideals it formulated were acted upon.

27. Sir Gerald FITZMAURICE said that, although prepared in the last resort to accept a compromise drawing distinctions between the various categories comprising a mission with respect to their entitlement to diplomatic privileges and immunities, he did not regard the distinction established in Mr. Bartos's amendment as a valid one. The limitation of immunity to "acts performed in the exercise of their functions in the mission" had admittedly been adopted by the Commission in the case of nationals of the receiving State appointed to foreign diplomatic missions, but such cases were rare, and would undoubtedly be settled by agreement between the States concerned. The case of administrative and technical staff, on the other hand, was far from rare, and had a bearing on some of the most important aspects of the conduct of diplomatic missions.

28. Although the distinction proposed by Mr. Bartos might at first sight seem feasible, experience showed it to be a dangerous one. If it were adopted, the receiving State could always detain a member of the administrative staff of a mission on grounds ostensibly unconnected with his acts in an official capacity. While he did not wish to dwell on the possible consequences of such detention, however temporary, he felt that the Commission would grasp his point that to agree to a provision under which immunity from criminal jurisdiction was not absolute was to take a big step towards undermining the whole system of immunity.

29. The distinctions established by Mr. El-Erian, Mr. Matine-Daftary and Mr. Spiropoulos, on the contrary, might be feasible. It would do no harm to state that administrative and service staff enjoyed full immunities, but that the question of their privileges was a matter for arrangement between governments. Similarly, while the immunities of administrative and technical staff were obviously of importance, there was no cogent reason why service staff, such as chauffeurs, doormen or cooks, should necessarily enjoy all the same immunities.

30. Mr. BARTOS said that he could agree to a distinction being drawn between administrative and technical staff, on the one hand, and auxiliary or service staff on the other. Such a distinction was to some extent implied in the qualification "with respect to acts performed in the exercise of their functions". If the principle were adopted, he would redraft his amendment accordingly.

31. Mr. KHOMAN considered that the Commission should conform as far as possible to established practice, without, however, losing sight of the need to encourage the progressive development of international law. It should also bear in mind the possibility of its draft's becoming the basis of a convention. In that case, any provision which accorded full privileges and immunities to administrative and service staff in face of the reluctance of many States would be of academic interest only. Under the circumstances, the receiving State must be allowed a certain discretion as to the extent of the privileges it accorded to such categories of staff.

32. He therefore suggested the following rewording of the second paragraph of Mr. Yokota's amendment:

"The administrative and service members of the staff of the mission shall enjoy the immunities set forth in the preceding articles. They may also enjoy any other privileges which may be granted by the receiving State or, as the case may be, those specified in an agreement with the sending State."

33. Mr. AMADO agreed that a mission could not function if its administrative staff did not enjoy immunity. He was rather worried about the inclusion of "service staff", however, since that category included unofficial staff, and as the replies to the League of Nations Committee of Experts showed, many States were reluctant to extend privileges to unofficial staff (A/CN.4/98, para. 249). The principle of reciprocity could be applied in the case of service staff.

34. The CHAIRMAN recalled that the Special Rapporteur had indicated that his text applied to official staff only (408th meeting, para. 56). That should be made quite clear, however, since the definition of "service personnel" in the Harvard draft¹ covered both the service personnel of the diplomatic mission and persons in the private domestic service of members of missions.

35. He put to the vote the question whether a distinction should be made between administrative and technical staff, on the one hand, and service staff, on the other, in the matter of privileges and immunities.

The Commission decided by 11 votes to 5 with 4 abstentions to make that distinction.

36. Mr. AGO explained that, though preferring to make no distinction at all, he had cast a favourable vote, because the Commission as a whole did not seem prepared to accord full privileges and immunities to all the staff of missions, and he felt that full immunity should at least be recognized for administrative and technical staff, which often had to carry out essential functions for the mission.

37. The CHAIRMAN put to the vote the principle that the administrative and technical staff of missions should be accorded full immunity unconditionally.

The principle was adopted by 18 votes to 2 with 1 abstention.

38. Mr. BARTOS, explaining his vote, said he had been obliged to vote against the principle, since he did not consider that administrative staff should enjoy full immunity but only immunity in respect of acts performed in the exercise of their functions.

39. Mr. SCALLE said the distinction that Mr. Bartos drew between the acts that administrative and service staff performed in the exercise of their functions and their other acts was perfectly valid and logical. It was, however, quite probable that the sending and the receiving State would disagree as to whether a particular act had been performed in the course of duty or not. He was, therefore, once again bound to stress the necessity of including in the draft a special provision to the effect that any disputes between the sending and the receiving State over interpretation of the terms used in the draft, or any other matters arising out of it, must be referred for settlement to an impartial tribunal. In the absence of such a provision, he considered that the only realistic course was to give all three categories, diplomatic staff proper, administrative and technical staff and service staff, the same privileges and immunities.

40. Mr. YOKOTA pointed out that, on the basis of the two decisions it had just taken, the Commission had still to decide three questions, namely, what privileges should be enjoyed by administrative staff, what privileges should be enjoyed by service staff and what immunities should be enjoyed by service staff. It could perhaps agree that administrative staff should, in the absence of special agreement, enjoy the same privileges as diplomatic staff proper, and that, in the absence of special agreement and, in their case, subject to reciprocity, service staff should also enjoy the same privileges and the same immunities as diplomatic staff proper.

41. The CHAIRMAN pointed out that neither the Harvard draft² nor the resolution adopted by the Institute of International Law in 1929³ recognized administrative or service staff as enjoying any privileges, but referred only to immunities.

42. Mr. AGO said that if it was proposed to grant immunities, but not privileges, to administrative staff, the distinction between the two categories should first be elucidated, and he doubted that it was a very clear distinction.

43. Mr. VERDROSS shared Mr. Ago's doubts. In his opinion, the only valid distinction was between cases where the receiving State was under an obligation to take certain action (such as affording protection) and those where it was under an obligation to refrain from certain action. But that distinction was not the same as that between privileges and immunities, if such a distinction were possible, for in reality immunities were also privileges granted to diplomats.

44. The CHAIRMAN said that article 6 of the resolution adopted in 1929 by the Institute of International Law⁴ listed four different types of immunity (inviolability of person, *franchise de l'hôtel*, immunity from jurisdiction, and exemption from taxes) to which the Commission had added a fifth, exemption from customs duties and inspection. Diplomatic privileges, in his view, denoted prerogatives based on international law and consisting of rights not enjoyed by other inhabitants of the receiving State, as, for example, the right to send diplomatic mail, the right to use cipher, the right to fly the national flag from the mission premises and so on.

45. Mr. BARTOS felt that Mr. Ago had raised a very important point. If the Commission agreed with the Chairman's view, no difficulty arose; but Mr. Bartos was

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

² *Ibid.*, pp. 19-25.

³ *Ibid.*, pp. 186 and 187.

⁴ *Ibid.*, p. 186.

by no means sure that that view was altogether correct. It was, for example, no easy matter to say to what extent exemption from taxation was a privilege and to what extent it was an immunity, to what extent it was founded on courtesy and to what extent it was based on a rule of law.

46. Mr. SANDSTRÖM, Special Rapporteur, said it had always been his view that the two terms overlapped but were not co-extensive. All immunities were privileges, but not all privileges were immunities.

47. Mr. HSU said that, in his view, it would be safer for the Commission to speak of both terms together, for immunity was only the dynamic form of privilege and privilege only the static form of immunity.

48. Mr. TUNKIN thought the Commission would be creating unnecessary difficulties for itself if it attempted to define what was meant by privileges and immunities respectively. In his opinion, the distinction was misleading, since all depended on the point of view from which the matter was considered. Provided the Commission agreed that, by the decision it had just taken, it intended administrative and technical staff to enjoy the immunities, privileges, or whatever they might be called, that were referred to in articles 17 to 23 of its draft, that was all that was required, and it could be left to the Drafting Committee to propose wording which would make the Commission's intention clear.

It was so agreed.

49. The CHAIRMAN said that, as far as service staff were concerned, the Commission should vote first on the principle reflected in Mr. Bartos's proposal (para. 9 above), since that was the farthest removed from the Special Rapporteur's text, namely, that they should only enjoy immunity in respect of acts performed in the exercise of their functions in the mission and such other immunities as were agreed between the sending and the receiving State.

50. Mr. VERDROSS expressed himself in agreement with the principle formulated by Mr. Bartos, as most in accordance with current practice.

51. Mr. EDMONDS said he knew from experience how difficult it was to determine whether a particular act was performed in the course of duty or not; if the Commission introduced any such distinction it was bound to be a fruitful source of disagreement in practice. It was doubtless largely in order to avoid such disagreements that the United States of America granted full diplomatic immunity to everyone attached to a foreign diplomatic mission.

52. Mr. AMADO agreed that that practice of the United States, which was also followed by the United Kingdom, constituted the only satisfactory basis for the Commission's draft. It was noteworthy that, although there were very many bilateral agreements regulating diplomatic intercourse, very few of them went into any detail as regards the immunities enjoyed by service staff.

53. Mr. AGO agreed that the distinction proposed by Mr. BARTOS gave rise to difficulties in practice, but felt they should not be exaggerated. In his view, the distinction had some validity. He would, however, prefer, so far as service staff were concerned, to speak of acts performed "in the course of their duties" rather than "in the exercise of their functions in the mission"; the words "in the mission" in particular seemed too re-

stricted. Similarly, the reference to "service staff of a diplomatic mission" might possibly be interpreted as excluding, for example, the ambassador's personal staff. Finally, in the second sentence of the text proposed by Mr. Bartos, it would be preferable to refer to current practice in the receiving State rather than to a specific agreement between the countries concerned, as in several countries a liberal practice was observed, and a special agreement was not always necessary.

54. Mr. TUNKIN asked whether, under Mr. Bartos's text, a mission chauffeur who, while on duty, knocked down and killed a pedestrian would be exempt from criminal jurisdiction or not.

55. Mr. BARTOS said that he would, provided his duties required him to make the journey in question.

56. The distinction he proposed had been criticized as not sufficiently objective, but there was room for differing opinions on almost any text that the Commission might adopt. There were always borderline cases, but smuggling, for example, black market operations or illicit currency transactions could never be regarded as acts performed in the course of duty.

57. Mr. Bartos could accept Mr. Ago's amendments if it was thought they would help to make the meaning clear. He had, however, submitted his proposal in that form only because he had thought the Commission wished to give administrative and service staff the same privileges and immunities, and because it was, in his view, essential that administrative staff should enjoy immunity in respect of acts performed in the exercise of their functions. Now that the Commission had decided to distinguish between administrative and service staff, the position was different. In his view, service staff should only enjoy the privileges and immunities granted them by the receiving State, the only restriction on the receiving State's freedom in that respect being that it should treat the service staff of all missions equally, without any discrimination between them.

58. Mr. SANDSTRÖM, Special Rapporteur, still thought that a distinction such as had been proposed by Mr. Bartos would raise many serious difficulties in practice. What, for example, would the position be if a member of the mission's staff engaged in an illicit currency transaction, not on his own behalf, but on behalf of the head of the mission?

59. Mr. BARTOS said that such a transaction could not conceivably be regarded as an act performed in the exercise of the functions of the person concerned or, in Mr. Ago's phrase, in the course of his duties.

60. Mr. SPIROPOULOS said that, despite what Mr. Bartos had said, he still felt there was some basis for the fears expressed by Mr. Edmonds and others that, in endeavouring to differentiate and particularize, the Commission was only sowing the seed of future difficulties in practice. If, despite those doubts, he had voted in favour of the decision to distinguish between administrative and service staff, it was because the distinction was in itself a valid one, and the Commission would, in any case, be able to reverse its decision at the next session, if it so desired, in the light of further reflection on its practical consequences and in the light also of the comments from Governments.

61. Mr. HSU associated himself fully with the views expressed by Mr. Edmonds. It was no more dangerous to give full immunity to service staff than to give it to

administrative staff or diplomatic staff proper; in fact it was less so, for not only could their immunity from jurisdiction be temporarily waived, but, in serious cases, they could be summarily dismissed and thus forfeit it altogether.

62. In his view, therefore, the Commission should revert to a simple, general rule of the kind proposed by the Special Rapporteur or Mr. François.

63. The CHAIRMAN pointed out that the Commission must necessarily be guided by the current practice of States, and, as far as he knew, no State gave service staff the same immunities as those enjoyed by other categories of mission staff. Exemption from taxation or from customs duty, for example, was never granted indiscriminately, but always to certain specified categories, such as diplomatic staff proper or diplomatic, administrative and technical staff.

64. In order to expedite matters, the Chairman proposed that the Commission take a decision on the principle reflected in the first sentence of the text proposed by Mr. Bartos (para. 9 above), as amended by Mr. Ago (namely, that all service staff should enjoy immunity in respect of acts performed in the course of their duties), and leave it to the Drafting Committee to propose an appropriate wording.

The principle was adopted by 12 votes to 4, with 4 abstentions.

65. Mr. AGO said he had voted in favour of the principle reflected in the first sentence of the text proposed by Mr. Bartos, on the understanding that it represented the minimum immunity which all service staff must enjoy. That should be made clear by adding a further sentence to the effect that service staff enjoyed also such other immunities as were accorded, in practice, by the receiving State.

66. Mr. VERDROSS and Mr. SPIROPOULOS felt that was unnecessary, since it went without saying that the receiving State could, if it wished, grant wider immunities.

67. Mr. AGO maintained that, if the Commission confined itself to saying simply that service staff should enjoy immunity in respect of acts performed in the course of their duties, it might wrongly be regarded as having advised against the much more generous practice followed by many States.

68. Mr. MATINE-DAFTARY suggested that Mr. Ago's point could be met by stating in the commentary that nothing in the text was to be regarded as preventing the receiving State from granting more extensive immunities than were there specified, if it so desired.

The suggestion was adopted.

The meeting rose at 6 p.m.

410th MEETING

Tuesday, 4 June 1957, at 9:30 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)

ARTICLE 24 (continued)

1. The CHAIRMAN invited the Commission to consider paragraph 3 of the Special Rapporteur's article 24 (A/CN.4/91) and paragraph 2 of Mr. François's amended version of the article (407th meeting, para. 86). The position of members of the families of diplomatic agents and of their private servants would be best dealt with separately.

2. Mr. FRANÇOIS, explaining his amendment, said that there was wide variation in both doctrine and practice respecting the entitlement of members of the families of diplomatic agents and of their private servants to diplomatic privileges and immunities. As far as wives were concerned, practice was generally based on the traditional rule that they were entitled to the same privileges and immunities as their husbands, so long as they lived under the same roof. However, the criterion "living under the same roof" not being a very satisfactory one, as Mr. Amado had already pointed out in another connexion (386th meeting), he had omitted it in the case of both wives and children. In the case of children, however, he had included an age-limit, to be found in the municipal law of a number of countries, including the Netherlands. In his opinion, after the age of eighteen, when children frequently left home to attend some institution of higher education, they were no longer entitled to privileges and immunities.

3. In the case of private servants, since there was no family bond between them and the head, or the member, of the mission, he had, despite its imperfections, kept the qualification "living under the same roof", there being no point in extending privileges and immunities to private servants who lived out.

4. The CHAIRMAN proposed that the Commission first decide whether it wished to list the various members of the family entitled to privileges and immunities, or simply to adopt a general formula. Municipal law on the subject varied considerably, sometimes limiting the concept of the family to wives and children, but in other cases including parents, or even parents-in-law, living with the diplomatic agent. Some States would accordingly have difficulty in accepting anything more than a general formula.

5. The adoption of an age-limit of eighteen for children might also make the article difficult to accept. Children over eighteen might very well be still dependent on the diplomatic agent and living with him. As for the phrase "living under the same roof", many countries preferred a criterion such as "belonging to his household", or one based on the concept of economic dependence.

6. Mr. BARTOS, while agreeing as regards the great diversity of practice in the matter, noted a tendency to confine immunity as far as possible to the dependents of the diplomatic agent, largely in order to prevent abuse. There were three points to be borne in mind in that connexion. The first was that members of the family gainfully employed, or attending a university in the receiving State, were not generally regarded as entitled to privileges and immunities. The second was that the criterion of dependency should be taken in a social rather than a strictly financial sense, children or wives being still regarded as part of the household although they might enjoy a private income. The third was that the logical conclusions should be drawn from the principle of the equality of the sexes. That meant that unmarried