

Not an official document.
For information only.
August 2005

Why are diplomats granted privileges and immunities?

Granting privileges and immunities to diplomatic envoys is a long-standing norm of international law. The formal sending of envoys as representatives of Nation States may be traced back to the practice of ancient Greece. The ambassadors exchanged between the members of the Amphictyonic League were regarded as inviolable. Similar practices can also be found in the States of ancient India or in the Roman Empire.

These practices, established on a customary basis, were codified in the 1961 Vienna Convention on Diplomatic Relations. Countries which have recognized the Convention believe that such practices contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems. This view is reflected in paragraph 3 of the preamble to the Vienna Convention.

The purpose of diplomatic privileges, immunities and exemptions, as described in the Convention, is not to benefit individuals themselves but to ensure the efficient performance of the functions of diplomatic missions that represent States.

It is true that diplomats are exempt from the criminal, civil and administrative jurisdiction of the receiving State. However, this exemption may be waived by the sending State. Moreover, the immunity of a diplomat from the jurisdiction of the receiving State does not exempt him/her from the jurisdiction of the sending State.

It is also within the discretion of the receiving State to declare any member of the diplomatic staff of a mission *persona non grata* (or unwanted person). This may be done at any time and there is no obligation to explain such a decision. In these situations, the sending State, as a rule, would recall the person or terminate his/her function with the mission.

Thus, the Vienna Convention provides for specific measures that can be taken by both the sending and receiving States in cases of misuse or abuse of diplomatic privileges and immunities. On the whole, diplomatic privileges and immunities have served as efficient tools facilitating relations between States. No UN Member State has so far proposed rescinding the Convention or rewriting its provisions.



**This fact sheet has been issued by the Public Inquiries Unit,
Department of Public Information, United Nations.
Tel.: 212-963-4475; Fax: 212-963-0071; E-mail: inquiries@un.org
Website: <http://www.un.org/geninfo/faq>**