



# IMMUNITIES OF STATES, HEADS OF STATES, DIPLOMATS AND CONSULAR OFFICERS

**Introduction into International Law**



# CONTENTS

- 1) HISTORIC INTRODUCTION**
- 2) STATE IMMUNITIES**
- 3) HEAD OF STATE IMMUNITIES**
- 4) HEADS OF GOVERNMENTS AND MINISTERS OF FOREIGN AFFAIRS**
- 5) IMMUNITIES OF DIPLOMATS**
- 6) CONSULAR IMMUNITIES**

# HISTORIC INTRODUCTION

- Emerged from the same medieval principle → a sovereign king
- *Par in parem non habet imperium*
- Four categories of immunities
  - a) State itself
  - b) Head of State
  - c) Diplomats
  - d) Consular officers

# STATE WAIVING IMMUNITIES

- State's immunities under the restrictive immunities theory, or even otherwise (de jure imperii) → entitled to waiving it in a particular case and deciding to face proceedings
- E.g. bilateral investment treaties (BITs) in between two sovereign states → a state agreeing in a BIT to the general willingness to let private parties bring arbitration claims against it in the ICC in Paris in fact waives its sovereign immunities

# HEAD OF STATE IMMUNITIES

- **A) Immunity *ratione personae***
  - Acts of the respective individual (head of state); it ends upon their vacation of the office
- **B) Immunity *ratione materie***
  - Only official acts

# HEADS OF GOVERNMENTS AND MINISTERS OF FOREIGN AFFAIRS

- Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium). Judgment of 14 February 2002 → Art. 51 - 61

# IMMUNITIES OF DIPLOMATS

- One of the eldest institutions of customary international law
- ***Vienna Convention on Diplomatic Relations of 1961***
  - Art. 3 - functions of diplomatic missions
  - Three classes of diplomats
    - Ambassadors or nuncios
    - Envoys, ministers and internuncios
    - Chargés d'affaires
  - Diplomatic staff of a mission
  - Art. 4 - agrément
  - Art. 32
- *Persona non grata*
- Immunity from submission to any jurisdiction of the hosting state

# CONSULAR IMMUNITIES

- Care of issues such as issuing incoming visas for nationals of the receiving state or third party nationals
- ***Vienna Convention on Consular Relations of 1963***
  - Art. 5- summary of function
  - Consular missions
  - Art. 31 (2) → *The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.*
- Exequatur
- Consent to the establishment of consular relations
- Honorary consuls