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Information received from Governments

Topic:
**Status of the diplomatic courier and the diplomatic bag not accompanied by the
diplomatic courier**

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STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER

[Agenda item 4]

DOCUMENT A/CN.4/379 and Add.1

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[Original: English, Spanish]
[23 February and 1 June 1984]

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NOTE

Multilateral conventions mentioned in the present document:

Source

Vienna Convention on Diplomatic Relations (Vienna, 18 April 1961) Hereinafter called 1961 Vienna Convention	United Nations, <i>Treaty Series</i> , vol. 500, p. 95.
Vienna Convention on Consular Relations (Vienna, 24 April 1963) Hereinafter called 1963 Vienna Convention	<i>Ibid.</i> , vol. 596, p. 261.

Introduction

1. The International Law Commission at its thirty-fifth session, in 1983, upon the suggestion of the Special Rapporteur, requested the Secretariat to renew the request addressed to States by the Secretary-General to provide further information on national laws and regulations and other administrative acts, as well as on procedures and recommended practices, judicial decisions, arbitral awards and diplomatic correspondence in the fields of diplomatic law with respect to the treatment of couriers and bags.¹ Pursuant to the Commission's request, the Legal Counsel of the United Nations addressed a circular letter dated 10 August 1983 to Governments, inviting them to submit relevant information or bring up to date information submitted earlier, not later than 16 January 1984.

2. The replies received by 18 April 1984 from the Governments of 18 Member States are reproduced below, in alphabetical order.

¹ *Yearbook . . . 1983*, vol. II (Part Two), p. 53, para. 187.

Austria

[Original: English]
[6 January 1984]

The information pertaining to the treatment of the diplomatic courier and the diplomatic bag transmitted with Note 843-A/82 of 19 February 1982¹ is still valid. However, the procedure regarding the X-ray screening of the diplomatic bag has been abolished in the light of the changed security situation. Only if the diplomatic bag is not transported by the national airline may an X-ray screening take place upon the request of the airline undertaking the shipment.

¹ *Yearbook . . . 1982*, vol. II (Part One), pp. 231 *et seq.*, document A/CN.4/356 and Add.1-3.

Belize

[Original: English]
[20 September 1983]

1. Before Belize achieved independence, in 1981, States had been represented there only at consular level. Thus the Consular Relations Ordinance No. 9 of 1972 addresses itself to the status of the consular courier and consular bag only in section 35, entitled "Freedom of communications", in the second schedule of the ordinance.

2. The Consular Relations Ordinance came into force to give effect, *inter alia*, to the 1963 Vienna Convention and other agreements concerning consular relations, and to make further provision with respect to such relations.

3. Section 35 of the second schedule of the Consular

Relations Ordinance No. 9 of 1972, entitled "Freedom of communications", reads in part as follows:

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

4. Some States are now represented at the ambassadorial or high commissioner level. Legislation is being drafted to correspond more adequately to Belize's new position in respect of international diplomatic relations. In the mean time Belize follows the recognized practices of international law.

Bulgaria

[Original: English]
[21 February 1984]

1. The Government of the People's Republic of Bulgaria regards the possibility of maintaining free communications between States and their missions and representatives abroad as a condition *sine qua non* for the normal functioning of those missions. Unfortunately international practice knows cases of violation of the privileges and immunities of the diplomatic courier and of non-observance of the inviolability of the diplomatic bag, as well as of the abuse of such privileges and immunities. In view of this, the elaboration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, aimed at working out and adopting an international legal instrument reflecting the progressive development and codification of legal rules in this field, is of great practical importance. The Bulgarian Government believes that the Commission should give priority to the consideration of this topic at its thirty-sixth session. In this connection, the full set of draft articles already presented should facilitate and expedite the work of the Commission.

2. The Bulgarian Government supports the comprehensive approach applied to the draft articles by the establishment of a uniform régime for all kinds of couriers and diplomatic bags. The scope of the draft articles should also include provisions regulating the status of couriers and bags of international organizations, as well as those of national liberation movements recognized by the United Nations and regional international organizations. Thus the future document will become a really universal set of rules concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier. With the aforementioned exception, the first eight draft articles represent an appropriate basis for the further work on the draft, since they reflect the basic principles of international law directly related to the status of the diplomatic courier and the diplomatic bag, namely the principle of freedom of communications, the duty to respect the norms of international law and the law of the receiving and transit State, and the principle of reciprocity and non-discrimination.

3. The Bulgarian Government considers that draft articles 15 to 19 in their present version are an acceptable basis for further work on the draft as a whole. The provision contained in draft article 18 is necessary, for it is of concrete practical significance and does not duplicate the provisions of draft article 4.

4. Concerning draft articles 20 to 23, the Bulgarian Government supports the provision set out in article 20, paragraph 2, which requires the receiving or the transit State to prosecute and punish persons responsible for any infringement of the person, freedom or dignity of the courier. Such an obligation would be in conformity with the general obligation of States to ensure the normal functioning of diplomatic communications.

5. Moreover, such an obligation would provide effective protection of the personal inviolability of the diplomatic courier. The provisions contained in draft articles 21 and 22 are also justified, although cases of their practical application might prove relatively limited.

6. The Bulgarian Government considers that the provisions contained in article 21, paragraph 3, and article 22, paragraph 2, represent a considerable deviation from the principle of inviolability of the temporary accommodation and individual means of transport of the diplomatic courier, which is a fundamental prerequisite for the unrestricted performance of the functions of the courier. The draft should provide for the strict application of this principle and allow no digressions from it. If it were nevertheless considered appropriate to introduce some limitations to the principle of inviolability with a view to avoiding possible abuses, such limitations should be minimal. They should be applied under strictly specified conditions not going beyond those contained in the draft articles, and above all in no case should an infringement of the personal inviolability of the diplomatic courier and the inviolability of the diplomatic bag be allowed.

7. It is the opinion of the Bulgarian Government that the Commission should try to complete its work on this topic at an earlier date by submitting an appropriate draft to be adopted in the form of an international convention. This would permit the comprehensive and uniform regulation of the status of the diplomatic courier and the diplomatic bag, which would contribute to the promotion of good relations between States. The Bulgarian Government believes that the Commission will be able to conclude the first reading of the whole set of draft articles at its thirty-sixth session.

Chile

[Original: Spanish]
[2 November 1983]

1. As a State party to the 1961 Vienna Convention, Chile strictly implements the provisions of the Convention in the area under consideration, namely matters relating to the immunities and privileges of the diplomatic courier and the official correspondence of the mission.

2. In this respect, administrative procedures and the judicial practice of the Chilean courts have been both uniform and consistent, and no difficulties have been encountered in implementing the relevant rules laid down in the above-mentioned Convention.

3. Without prejudice to the foregoing, the Government of Chile notes with growing interest the work carried out in this field by the Commission and considers it absolutely essential to prepare an organic set of rules to ensure full implementation of the principles concerning this aspect of activities relating to diplomatic representation.

Colombia

[Original: Spanish]
[23 November 1983]

The provisions of article 27 of the 1961 Vienna Convention and article 35 of the 1963 Vienna Convention were

incorporated in Colombian legislation by Act No. 6 of 1972¹ and Act No. 17 of 1972² respectively.

With regard to the recommended practices, the two most recent circulars issued by the Office of the Under-Secretary for Administrative Affairs of the Ministry of Foreign Affairs on the treatment to be accorded to the diplomatic bag are reproduced below.

Circular No. A/A-85:

With a view to facilitating the diplomatic bag service, [the Under-Secretary for Administrative Affairs] wishes to stress the need:

1. To return the bags promptly, inasmuch as holding them causes correspondence to accumulate and results in irregularity in the dispatch of correspondence.
2. To consign the bag to an official of diplomatic or consular rank and, if none is available, to an administrative official expressly delegated by the head of mission.
3. To check the schedules of outgoing and incoming bags in order to ensure that they are correctly prepared and that everything listed on them is included.
4. To protect the correspondence adequately in order to prevent damage to it, bearing in mind that the annexes must be stapled to the routing slip.
5. The bag service is intended solely for the carriage of official correspondence.

Notes sent by the mission to government agencies must be dispatched in unsealed envelopes unless they are confidential, in which case they must be endorsed by the head of mission.

As an exceptional measure and in very special circumstances, the head of mission may give prior express authorization for the dispatch of officials' personal correspondence, in which event the envelopes must be unsealed, must not weigh more than 25 grams and must clearly indicate the address and telephone number of the addressee, who shall collect them in person from the offices of the Ministry.

The Ministry shall return all correspondence not satisfying the above requirements.

6. The inclusion of valuables, drugs or articles of any kind is strictly prohibited. An official who contravenes this provision shall be subject to disciplinary penalties in accordance with the provisions in force.

7. The mission shall ascertain the time of arrival of the bag and arrange for its immediate collection from the relevant offices of the carrier.

8. It should be noted in the manual that the final segment of the carriage to Bogotá shall be effected solely by Avianca, inasmuch as the Ministry desires, to the extent possible, to make payments through that company.

Circular No. 149 of 18 November 1981, addressed to heads of mission by the Under-Secretary for Administrative Affairs:

With a view to ensuring better control of the dispatch of the diplomatic bag, you are requested to issue the following instructions:

1. At the time of dispatch of the diplomatic bag, the person to whom it is consigned (who must be a diplomatic officer, if available) shall bear in mind:
 - (a) Correspondence for government agencies must be unsealed, except for confidential notes;
 - (b) Non-official correspondence may be included in the diplomatic bag if it is appropriately endorsed by the head of mission or consul, and it must in all cases be unsealed.
2. The inclusion of valuables, drugs or any other type of article is strictly prohibited. It should be noted that any official who contravenes this provision will be punished in accordance with the disciplinary provisions in force.

¹ Republic of Colombia, *Diario Oficial* (Bogotá), No. 33750 (29 November 1972).

² *Ibid.*, No. 33462 (18 November 1971).

3. It must be borne in mind that the diplomatic bag is strictly for official use, save as provided in paragraph 1(b) of this circular.

4. The officials responsible for the diplomatic bag in Bogotá will report any irregularities to this office.

Cyprus

[Original: English]
[26 July 1983]

... The present note from the Ministry of Foreign Affairs, stating the position of the Government of the Republic of Cyprus concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, supersedes its previous note of 3 February 1983.¹

[The above-mentioned topic] is of practical everyday importance for foreign ministries and diplomatic missions, and indeed is broad enough to include communications of international organizations and of recognized liberation movements. Many points and issues under this general heading are not sufficiently covered under existing conventions and require further elaboration. Considerable progress has been made in harmonizing and supplementing the existing international legal instruments on this subject in the light of State practice. The Government of Cyprus looks forward to continued fruitful work on this topic and to its early successful conclusion.

¹ New reply of the Cypriot Government to the circular dated 21 September 1982 addressed to Member States by the Legal Counsel; the previous reply is reproduced in *Yearbook* . . . 1983, vol. II (Part One), p. 58, document A/CN.4/372 and Add.1 and 2.

Fiji

[Original: English]
[21 September 1983]

1. Section 3, subsection 1, of Fiji's Diplomatic Privileges and Immunities Act of 13 May 1971,¹ states:

1. Subject to the provisions of subsection 6, the provisions of articles 1, 22, 24 and 27 to 40 inclusive of the Convention shall have the force of law in Fiji.

The "Convention", defined in section 2 of the Act, means the Vienna Convention on Diplomatic Relations signed in 1961.

Subsection 6 of section 3, to which articles 1, 22 and 24 and 27 to 40 inclusive of the Convention are made subject, states:

For the purposes of the provisions of the articles referred to in subsection 1

- (a) A reference in those provisions to the receiving State shall be construed as a reference to Fiji;
- (b) A reference in those provisions to a national of the receiving State shall be construed as a reference to a Fiji citizen;
- (c) The reference in paragraph 1 of article 22 to agents of the receiving State shall be construed as including a reference to any police officer and any person exercising a power of entry to premises;

¹ *The Acts of Fiji Enacted During the Year 1971*, p. 407, Act No. 26.

(d) The reference in article 32 to waiver by the sending State shall be construed as including a waiver by the head of the mission of the sending State or by a person for the time being performing the functions of the head of mission;

(e) Articles 35, 36 and 40 shall be construed as granting the privileges or immunities that those articles require to be granted;

(f) The reference in paragraph 1 of article 36 to such laws and regulations as the receiving State may adopt shall be construed as including a reference to any law in force in Fiji relating to the quarantine, or the prohibition or restriction of the importation into or the exportation from Fiji of animals, plants, or goods;

Provided that any immunity from jurisdiction that a person may possess or enjoy by virtue of subsection 1 shall not be prejudiced;

(g) The reference in paragraph 4 of article 37 to the extent to which privileges and immunities are admitted by the receiving State, . . . shall, so far as they relate to privileges, be construed as references to such determinations as may be made by the Minister pursuant to subsection 2, and, so far as they relate to immunities, be construed as references to such immunities as may be conferred by an order under subsection 3;

(h) The reference in paragraph 2 of article 38 to the extent to which privileges and immunities are admitted by the receiving State shall, so far as it relates to privileges, be construed as reference to such determinations as may be made by the Minister pursuant to subsection 2, and so far as it relates to immunities, be construed, in relation to persons to whom section 4 applied, as a reference to immunities conferred by that section, and, in relation to other persons to whom that paragraph applies, as a reference to such immunities as may be conferred by an order under subsection 3.

In so far as article 27 of the 1961 Vienna Convention imposes on the receiving State the obligation to permit and protect free communication on the part of the diplomatic mission of any State, it could be said that Fiji does conform with its obligation under the Convention.

2. Section 3, subsection 1, of Fiji's Consular Privileges and Immunities Act of 22 December 1972² states:

1. Subject to the provisions of this [section] and section 4, the provisions referred to in the second schedule (being articles or parts of articles of the Convention) shall have the force of law in Fiji and shall for that purpose be construed in accordance with the succeeding subsections of this section.

The "Convention" defined under section 2 of the Act, means the Vienna Convention of Consular Relations signed in 1963.

The succeeding subsections 2 to 8 of section 3 of the Act, to which the relevant provisions of the Convention are made subject, state:

2. The references in article 44 to matters connected with the exercise of the functions of members of a consular post shall be construed as references to matters connected with the exercise of consular functions by consular officers or consular employees.

3. For the purposes of article 45 and that article as applied by article 58, a waiver shall be deemed to have been expressed by a State if it has been expressed by the head, or any person for the time being performing the functions of head, of the diplomatic mission of that State or, if there is no such mission, of the consular post concerned.

4. Article 48 shall not affect any agreement made between or on behalf of Fiji and any other State before the commencement of this Act and shall not be taken to prevent the making of any such agreement after the commencement of this Act.

5. Articles 50, 51, 52, 54, 62 and 67 shall be construed as granting any privilege or immunity which they require to be granted.

6. The reference in article 57 to the privileges and immunities provided in chapter II shall be construed as referring to those provided in section II of that chapter of the Convention.

7. The reference in article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of the Diplomatic Privileges and Immunities Act, 1971.

8. The references in article 71 to additional privileges and immunities that may be granted by the receiving State or to privileges and immunities so far as these are granted by the receiving State shall be construed as referring to such privileges and immunities as may be specified by the Minister by order.

Section 4 of the Act, to which, in addition to subsections 2 to 8 of section 3, the Convention is made subject, states:

4. If it appears to the Minister that the privileges and immunities accorded to a consular post of Fiji in the territory of any State, or to persons connected with such a consular post, are less than those conferred by this Act on a consular post of that State or on persons connected with such a consular post, the Minister may by order withdraw such of the privileges and immunities so conferred from all or any of the consular posts of that State or from such persons connected therewith as appears to him to be proper.

In so far as article 35 of the 1963 Vienna Convention imposes an obligation on the receiving State to permit and protect freedom of communication on the part of the consular posts of any State, it could be said that Fiji does conform with its obligation under the said Convention.

Holy See

[Original: English]
[4 October 1983]

The Holy See does not have any specific laws or statutes regarding this topic. The Italian Government gives the diplomatic couriers and diplomatic bags of the Holy See the same treatment as it gives to those of the Italian State.

Hungary

[Original: English]
[18 January 1984]

1. The Hungarian People's Republic is a party to the 1961 Vienna Convention. Article 27 of the Convention contains provisions concerning the legal status and immunity of the diplomatic courier and the diplomatic bag.

2. In this field, as in every other instance too, the Hungarian People's Republic has strictly observed its international legal obligations. In conformity with the said international Convention and other sources of international law, it accords immunities to foreign States and grants privileges and immunities to their diplomatic representatives and other agents so that they can perform their functions successfully.

3. Thus Law-Decree No. 7 of 1973 of the Presidential Council of the Hungarian People's Republic, on proceedings to be instituted regarding diplomatic or other immunities¹ provides that, if in a civil, administrative or

¹ Hungary, Ministry of Justice, *Törvények és Rendeletek Hivatalos Gyűjteménye 1973* [Official compendium of laws and decrees, 1973] (Budapest), 1974, p. 207.

² *The Acts of Fiji Enacted During the Year 1972*, p. 215, Act No. 31.

criminal proceeding before a court or other authority the facts of the case show that the person involved is entitled to immunity based on diplomatic or international law, the court or other authority shall suspend the proceeding *ex officio* and, once the existence of immunity has been confirmed, shall establish the lack of jurisdiction.

4. On customs clearance of diplomatic consignments, the Hungarian customs and revenue organs similarly act in accordance with article 27 of the 1961 Vienna Convention, which was promulgated in Hungary by Law-Decree No. 21 of 1965.²

5. Accordingly, the packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

6. The diplomatic courier shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag.

7. The diplomatic bag must not be opened or detained. The person of the diplomatic courier shall be inviolable and he shall not be liable to any form of arrest or detention.

8. The same provisions apply to an *ad hoc* diplomatic courier designated by the sending State or mission, except that the courier's personal immunities shall cease upon delivery of the diplomatic bag to the consignee.

9. The exemption of diplomatic agents and persons with diplomatic status from customs duties is covered by article 7 of Law-Decree No. 2 of 1966,³ while exemption from customs declaration and inspection is governed by articles 20 and 29 of Decree No. 39/1976(XI.10) of the Ministry of Finance and the Ministry for Foreign Trade,⁴ in conformity with the Convention.

10. This special treatment is automatically extended to diplomatic agents and persons with diplomatic status of countries not parties to the 1961 Vienna Convention.

11. The competent Hungarian authorities pay special attention to ensuring exemption of the diplomatic bag from inspection as well as to according polite treatment to the persons concerned.

12. The regulations on this subject have proved to be satisfactory in practice.

² *Ibid.*, 1965, 1966, p. 124.

³ *Ibid.*, 1966, 1967, p. 35.

⁴ *Ibid.*, 1976, 1977, p. 778.

Iran (Islamic Republic of)

[Original: English]
[14 December 1983]

1. No laws or regulations have so far been enacted in the Islamic Republic of Iran concerning diplomatic couriers and bags and no judicial decisions or arbitral awards have been rendered relating thereto.

2. In accordance with practice, the Ministry of Foreign Affairs of the Islamic Republic of Iran makes use of bags

measuring 130 × 70 centimetres 100 × 50 centimetres, 90 × 50 centimetres, or 65 × 45 centimetres. The range of capacity of these bags is from 3 to 70 kilograms, but the conventional weight is about 30 kilograms. Cotton and twine are used to knot the tops of the bags in the form of bundles, and the tips of the twine are passed through holes at the top of the bags, as well as a stamped and sealed identification ticket. The identification ticket, which has a specific shape and specific dimensions, bears the required information concerning the sender and the receiver.

Japan

[Original: English]
[10 January 1984]

1. There is no domestic law in Japan relating to the diplomatic courier and the diplomatic bag. The provisions of the 1961 Vienna Convention apply directly.

2. No judicial decision is found to have been rendered regarding the treatment of the diplomatic courier and the diplomatic bag.

Mexico

[Original: Spanish]
[21 November 1983]

1. Agreement between Mexico and Peru for the exchange of diplomatic bags. Lima, 26 March 1919:

Art. 1. The legation of the United Mexican States may use, for the exchange of communications with its Government, special bags which shall enjoy the same privileges and guarantees as those which the Peruvian Government accords to official mail.

Art. 2. The Peruvian legation in Mexico shall enjoy the same right as that set out in the preceding article.

Art. 3. The said bags shall be conveyed by the means of transport available to both countries for the conveyance of correspondence.

Art. 4. The Ministries of Foreign Affairs of both countries and their respective legations shall retain the keys to the special bags in question.

Art. 5. The postal administrations of the United Mexican States and the Peruvian Republic shall adopt the necessary measures for the immediate implementation of this Agreement.

2. Agreement between Mexico and Nicaragua for the exchange of diplomatic communications. Managua, 9 August 1919:

Art. I. The legation of Mexico in Nicaragua and the legation of Nicaragua in Mexico may use, for communications with their Governments, special bags which shall enjoy the same privileges and guarantees as those enjoyed by official mail.

Art. II. The said bags shall be conveyed by the means of transport available to the contracting Governments for the conveyance of correspondence, the keys to the said bags being kept only at the Ministries of Foreign Affairs and legations of the two countries.

Art. III. The respective postal administrations shall adopt the necessary measures for the appropriate implementation of this Agreement.

Art. IV. This Agreement shall remain in force for a period of five years from the date of the exchange of the instruments of ratification. If neither of the High Parties to the Agreement notifies the other of its desire to terminate it twelve months before its expiry, it shall continue to be binding for one year after notification of denunciation by either of the two Governments.

3. Exchange of notes between Mexico and Venezuela constituting an agreement on the exchange of diplomatic bags. Caracas, 10 September and 15 and 18 October 1919:

First: the bags may be deposited up to the last minute for the dispatch of correspondence at the post office of the locality in which the legation is situated by an employee duly authorized by the head or the secretary of the diplomatic mission, and the address shall be visibly and indelibly stamped on them. The post office employee who receives the bag shall give to the legation employee who deposits it a receipt indicating its weight and size of the bag and the date, place and time of its deposit at the post office.

Secondly: the bags shall be inviolable and shall be conveyed freely by the means of transport available to both countries for the conveyance of correspondence.

The ministries and legations shall retain the keys to their respective bags.

Since diplomatic bags should not exceed a specific limit on weight and size in order to be conveyed in the bags used for the transport of ordinary correspondence between the two countries, the two Governments agree: that the maximum weight of the bags shall be 15 kilograms and that they shall be 50 centimetres long by 30 centimetres wide, or any other proportions which provide a volume not exceeding 75 cubic decimetres.

4. Exchange of notes between Mexico and Japan constituting an agreement for the establishment of a special bag service for diplomatic correspondence. Mexico City, 15 October 1921:

I. Such bags shall be inviolable and shall be transported by the means available to both countries; however, where possible, use shall be made of the Japanese ships sailing between Yokohama and Manzanillo or Salina Cruz, and vice versa.

II. Such bags shall enjoy exemption from all postal fees; however, when they are sent from Japan to Mexico through the intermediary of another country or countries, the Japanese postal administration shall be authorized to collect, at a reduced rate, the costs incurred for the transport of such bags on behalf of the intermediary countries.

III. Each bag shall be made of strong leather or solid cloth and must be fitted with a lock which closes properly. The address shall be written legibly on a strong label or on the bag itself.

IV. The respective ministries and legations shall retain the keys to their bags.

V. In no case shall the weight of a bag exceed 30 kilograms.

VI. The postal administrations of the United Mexican States and the Empire of Japan shall adopt the necessary measures for the immediate implementation of this administrative agreement.

5. Exchange of notes between Mexico and Spain constituting an agreement for the establishment of a diplomatic bag service. Madrid, 23 October and 2 November 1921:

Art. I. The legation of the United Mexican States in Madrid may use, for the exchange of communications with its Government, special bags, measuring 40 centimetres long by 36 centimetres wide, which shall enjoy all the privileges and guarantees which the Spanish Government accords to official mail.

Art. II. The legation of Spain in Mexico shall enjoy the same right as that set out in the preceding article.

Art. III. The said bags shall be conveyed by the means of transport available to both countries for the conveyance of correspondence.

Art. IV. The Ministers for Foreign Affairs of both countries and their respective legations shall retain the keys to the special bags in question.

Art. V. The postal administrations of the Kingdom of Spain and the Republic of Mexico shall take the necessary measures for the implementation of this Agreement.

6. Agreement between Mexico and Paraguay for the trans-

port of diplomatic correspondence. Asunción, 19 April 1922:

Art. I. The legation of the United Mexican States in Asunción may use, for the exchange of communications with its Government, special bags which shall enjoy the same privileges and guarantees as those which the Paraguayan Government accords to official mail.

Art. II. The Paraguayan legation in Mexico shall enjoy the same right as that set out in the preceding article.

Art. III. The said bags shall be conveyed by the means of transport available to both countries for the conveyance of correspondence.

Art. IV. The Ministers for Foreign Affairs of both countries and their respective legations shall retain the keys to the special bags in question.

Art. V. The postal administrations of the United Mexican States and the Republic of Paraguay shall take the necessary measures for the immediate implementation of this Agreement.

7. Exchange of notes between Mexico and France constituting an agreement for the exchange of diplomatic bags. Paris, 15 August 1922:

Art. I. The legation of Mexico in Paris, in exchanging correspondence with its Government, may use special bags which shall be transported under appropriate security conditions.

Art. 2. Reciprocally, the legation of the French Republic in Mexico City shall enjoy the same privilege.

Art. 3. The said bags shall be sent by the means of transport used for the postal correspondence of the two countries under the terms laid down for such transport.

Art. 4. The Ministries of Foreign Affairs of the two countries and their respective legations shall retain the keys to the bags in question.

Art. 5. The postal administrations of Mexico and France shall take the necessary measures to establish as soon as possible the new service provided for by this Agreement.

Art. 6. The weight of the bags shall be limited to 30 kilograms, in accordance with the Madrid Postal Convention. Such bags may be accompanied by sacks or boxes bearing the official seals. The accompanying packages shall pay transport costs at the rates charged by the railway and shipping companies.

Art. 7. The bags may be made of either leather or cloth. They shall be fitted with locks and may also be sealed with wax stamped with an official seal.

Art. 8. The bags and accompanying packages shall not be liable to any form of inspection and shall be exempt from customs duties.

8. Agreement between Mexico and Bolivia for the transport of diplomatic correspondence. Mexico City, 19 December 1929:

Art. I. The legation of the United Mexican States in La Paz may use, for the exchange of communications with its Government, special bags which shall enjoy the same privileges and guarantees as those which the Government of Bolivia accords to official mail.

Art. II. The legation of Bolivia in Mexico City shall enjoy the same right as that set out in the preceding article.

Art. III. The said bags shall be conveyed by the means of transport available to both countries for the conveyance of correspondence.

Art. IV. The Ministries of Foreign Affairs of both countries and their respective legations shall retain the keys to the special bags in question.

Art. V. The postal administrations of the United Mexican States and the Republic of Bolivia shall take the necessary measures for the immediate implementation of this Agreement.

9. Exchange of notes between Mexico and Poland constituting an agreement for the exchange of correspondence in special diplomatic bags. Mexico City, 18 February 1936:

1. The Polish Government shall convey the bags containing its diplomatic correspondence between Warsaw and Mexico City and vice versa through the postal service, which shall see that they are placed in the mail-bags exchanged between the two countries. The Polish Ministry of

Foreign Affairs and the Polish Legation in Mexico City shall hold the keys to the respective diplomatic bags. The said bags shall be inviolable; their consignment to the persons appointed to receive them shall be effected in the post office of destination after verification of the mail-bags.

2. The Mexican diplomatic bags shall enjoy the same privileges and guarantees as those which the postal administrations of Poland and Mexico accord to official mail. They shall be inviolable and shall be placed in the mail-bags used for the conveyance of ordinary correspondence between the post offices of Mexico City and Warsaw. The keys to the diplomatic bags shall be held by the Ministry of Foreign Affairs in Mexico City and the Legation of the United Mexican States in Warsaw.

3. The postal administrations of the two countries shall, by mutual agreement and on the basis of experience, establish limits on the weight and dimensions of the diplomatic bags in order that these may fit into the mail-bags used for the conveyance of ordinary correspondence between the two countries.

4. Pending agreement on other limitations for the diplomatic bags, the bag shall not exceed 20 kilograms in weight and shall measure 50 centimetres in length by 30 centimetres in height or shall have dimensions equivalent to the maximum.

5. Notice of the termination of the present agreement may be given through the diplomatic channel, such notice to take effect one month after the date of its receipt by the Ministry of Foreign Affairs of Mexico or by the Ministry of Foreign Affairs in Warsaw, respectively.

The Agreement shall enter into force thirty days from the date of the exchange of notes establishing it.

10. Exchange of notes between the United Kingdom of Great Britain and Northern Ireland and Mexico constituting an agreement for the transmission of diplomatic correspondence between London and Mexico City. London, 27 September 1946:

1. The Mexican Government agrees to accept from His Majesty's Embassy in Mexico City diplomatic bags and to convey them through postal channels to the Foreign Office in London. Similarly, His Majesty's Government agrees to accept from the Mexican Embassy in London diplomatic bags and to convey them through postal channels to the Secretaría de Relaciones Exteriores in Mexico City.

2. The bags shall be addressed to His Majesty's Principal Secretary of State for Foreign Affairs or the Secretario de Relaciones Exteriores, or to the respective ambassadors or *chargés d'affaires*, as the case may be. The bags shall bear the appropriate seals, and may be locked if desired, the keys resting in the custody of the respective Foreign Offices and embassies.

3. There shall be no charge in the acceptance and conveyance of these diplomatic bags, which shall enjoy all the immunities customarily granted by the Mexican and British authorities respectively to official mails, and shall be inviolable.

4. In accordance with the requirements of the international postal regulations, the weight of each bag covered by this agreement shall not exceed 30 kilograms (66 pounds), and the dimensions of each bag shall not exceed 124 centimetres (49 inches) by 66 centimetres (26 inches).

11. Exchange of notes between Mexico and Guatemala constituting an agreement for the exchange of diplomatic bags by air. Guatemala City, 27 December 1946:

1. Diplomatic correspondence, information and printed matter exchanged between the Ministry of Foreign Affairs of Guatemala and its Embassy in Mexico and between the Ministry of Foreign Affairs of the United Mexican States and its Embassy in Guatemala may be sent by air in diplomatic bags weighing no more than 3 kilograms, including the wrapping materials.

2. The bags shall bear locks, padlocks or seals, the keys resting in the custody of the respective ministries and embassies.

3. Each Government shall designate an air transport enterprise to convey its own bags in both directions and shall make arrangements with the enterprise for the payment or waiver of charges.

4. The bags delivered to the post office by each ministry or embassy shall bear specific mention of the air transport enterprise responsible for their

conveyance, and the post offices themselves shall be responsible for transferring the bags to the respective enterprises.

5. The diplomatic bags of both countries shall be inviolable, shall be exempt from customs inspection and shall be transported as frequently as is deemed necessary, up to a maximum of six times per week.

6. The diplomatic bags of both countries shall be transported with total exemption from taxes, duties or charges of any kind. The authorities of the two countries shall take the necessary additional measures for the operation of the service and shall take, each on its own account, the necessary administrative measures in respect of the national or foreign enterprises responsible for the transport.

7. This Agreement shall not disrupt existing arrangements for the exchange of diplomatic bags by land or sea and shall enter into force on today's date. Notice of termination may be given. Such notice shall take effect one month after the date of its receipt by the Ministry of Foreign Affairs of the other Government.

12. Exchange of notes between Mexico and Brazil constituting an agreement for the exchange by air of official correspondence in special diplomatic bags. Mexico City, 24 February 1951 and 21 May 1952:

I. Official correspondence of an urgent nature exchanged between the Ministry of Foreign Affairs of Mexico and the Embassy of Mexico in Rio de Janeiro or between the Ministry of Foreign Affairs of Brazil and the Embassy of Brazil in Mexico City shall be transported by air in special diplomatic bags.

II. The diplomatic bags of both countries shall be inviolable and exempt from inspection, shall enjoy the privileges accorded to official mail and shall be conveyed by the means of transport available to the two countries for the conveyance of airmail correspondence.

III. The postal authorities of both countries shall take the additional measures necessary for the service and shall establish by mutual agreement and in accordance with existing practice, at Mexico City and Rio de Janeiro respectively, the date, time and place for the delivery of the bags, which shall be dispatched urgently by the local post office in the mail-bags used for the transport by air of correspondence between the two countries.

IV. The diplomatic bags of both countries used in air transport shall be made of canvas or such other material as experience has proved to be appropriate, and shall be a maximum of 60 centimetres long, 40 centimetres wide and, when full, 20 centimetres thick.

V. The air transport costs for the diplomatic bags shall be paid, on the basis of current rates, by the respective Governments to the appropriate post office at the time the bags are delivered.

VI. The bags shall bear locks, padlocks or security mechanisms, the keys or security mechanisms for Mexican bags resting in the custody of the Ministry of Foreign Affairs of Mexico and the Embassy of Mexico in Rio de Janeiro and those for Brazilian bags resting in the custody of the Ministry of Foreign Affairs of Brazil and the Embassy of Brazil in Mexico City.

13. Exchange of notes between Mexico and Uruguay constituting an agreement for the exchange by air of official correspondence in special diplomatic bags. Mexico City, 18 August and 20 September 1955:

I. Official correspondence of an urgent nature exchanged between the Ministry of Foreign Affairs of Uruguay and the Embassy of Uruguay in Mexico City and between the Ministry of Foreign Affairs of Mexico and the Embassy of Mexico in Montevideo shall be transported by air in special diplomatic bags.

II. The diplomatic bags of both countries shall be inviolable and exempt from inspection, shall enjoy the privileges accorded to official mail and shall be conveyed by the means of transport available to the two countries for the conveyance of airmail correspondence.

III. The postal authorities of both countries shall take the additional measures required for the service and shall establish by mutual agreement and in accordance with existing practice, at Montevideo and Mexico City respectively, the date, time and place for the delivery of the bags, which shall be dispatched urgently by the local post office in the mail-bags used

for the transport by air of correspondence between the two countries.

IV. The diplomatic bags of both countries used in air transport shall be made of canvas or such other material as experience has proved to be appropriate, and shall be a maximum of 60 centimetres long, 40 centimetres wide and, when full, 20 centimetres thick.

V. The air transport costs for diplomatic bags shall be paid, on the basis of current rates, by the respective Governments to the appropriate post office at the time the bags are delivered.

VI. The bags shall bear locks, padlocks or security mechanisms, and the keys or security mechanisms for Uruguayan bags shall rest in the custody of the Ministry of Foreign Affairs of Uruguay and the Embassy of Uruguay in Mexico, while those of Mexican bags shall rest in the custody of the Ministry of Foreign Affairs of Mexico and the Embassy of Mexico in Montevideo.

14. Organic law of 8 January 1982 concerning the Mexican Foreign Service (*extracts*):

CHAPTER VII. OBLIGATIONS OF MEMBERS OF THE SERVICE

Art. 46. It shall be incumbent upon heads of mission to:

...

(f) Comply with the laws and regulations of the State to whose Government they are accredited, without prejudice to their immunities and privileges, and to make the relevant representations in cases where the application of such laws and regulations to Mexico and Mexicans gives rise to any violation of international law and the contractual obligations assumed by the Government of the State in question *vis-à-vis* the Mexican Government;

Art. 48. Without prejudice to other applicable provisions, the members of the Foreign Service shall be prohibited from:

...

(c) Using for illicit purposes the post they occupy, official papers to which they have access and the bags, official stamps and means of communication that are the property of the missions and offices to which they are assigned;

CHAPTER IX. SEPARATION FROM THE MEXICAN FOREIGN SERVICE

Art. 58. The following are grounds for separation from the Mexican Foreign Service:

...

(d) Committing for a second time any acts constituting the grounds for suspension referred to in the following article.

Art. 59. The following are grounds for suspension for up to thirty days without pay:

...

(b) Illicit use, or use for personal gain, by an official of diplomatic exemptions, bags and couriers or the immunities and privileges of his post;

15. Regulations for the implementation of the organic law of the Mexican Foreign Service (*extracts*):

Art. 20. The use of diplomatic and consular bags solely for transporting papers and articles for official use shall be the responsibility of the head of the diplomatic mission or consular post.

Art. 21. Negligence in the handling of official papers and the use of code systems and bags shall be regarded as manifest laxity and carelessness in the execution of official duties.

16. Customs Act (*extracts*):

Art. 22. Goods that are the property of the central federal public administration and the federal legislative and judicial authorities shall not be subject to abandonment.

In the case of goods belonging to foreign embassies and consulates and to international organizations of which Mexico is a member and luggage and household articles belonging to the officials and employees of the embassies, consulates and organizations in question, the period of abandonment shall begin three months following the date on which the goods in question are deposited with the customs authorities.

SHIPMENT OF GOODS

Art. 25. Persons importing or exporting goods shall be required to submit to the customs authorities a declaration on the official form approved by the Ministry of Finance and Public Credit containing information relevant to the customs régime to which the goods in question are to be subject and such data as may be required for determining the level and effecting payment of the corresponding foreign trade duties. The customs declaration shall be accompanied by:

I. In the case of imports:

(a) The corresponding invoice in cases where the value of the goods exceeds 10,000 pesos, which shall be signed and made out in Spanish or accompanied by a translation and shall contain sufficient information to permit identification of the goods;

(b) The bill of lading or air way-bill, revalidated in each case by the carrier;

(c) Papers providing proof of compliance with any obligations arising from restrictions and special requirements;

(d) Proof of the origin and port of departure of the goods, where appropriate.

II. In the case of exports:

(a) The invoice, showing the commercial value of the goods;

(b) Papers providing proof of compliance with any obligations arising from restrictions and special requirements.

The submission of invoices shall not be required in the case of goods imported or exported by foreign embassies and consulates or by their officials and employees, or in the case of electric power and crude oil and natural gas and their derivatives transmitted by pipeline, or in the case of household articles.

APPROPRIATION OF GOODS AND EXEMPTIONS

Art. 46. No duties shall be payable when the following goods enter or leave Mexican territory:

I. Goods that are exempt in accordance with the relevant legislation on general import and export duties and the relevant international agreements;

17. Regulations for the implementation of the Customs Act (*extracts*):

POSTAL SERVICE

Art. 61. Customs officers who supervise the opening of mail-bags coming from abroad shall inspect the packages and shall sign, together with the post office employees concerned, the corresponding postal forms.

A copy of the document of inspection referred to in the paragraph above shall be sent to the customs-house through which the packages are redispached, for control purposes, unless the customs-house is the one through which the packages entered the country.

Diplomatic bags shall be dealt with in accordance with the provisions of the relevant international agreements and conventions.

EXEMPTIONS

PART ONE

Diplomatic, consular and special missions

Art. 104. Diplomatic, consular and special missions and the members of such missions shall apply to the customs authorities, through the competent authorities, in connection with the importation and exportation of such goods as may be exempt in accordance with the relevant international agreements and conventions.

Imported goods must be transmitted to the beneficiaries of the exemption.

18. Circular No. 1-22-60 of the Mexican Foreign Service, of 2 June 1937:

The circular contains classified instructions to ensure the inviolability of diplomatic bags sent abroad by the Ministry of Foreign Affairs and those sent from abroad to the

Ministry. In connection with the "classified" or "confidential" correspondence of the Foreign Service, it recommends that such communications should be marked accordingly and that they should always be sent in two envelopes, with the actual designation appearing only on the inner envelope, which must be closed securely and sealed with wax even when the correspondence in question is being sent by diplomatic bag.

It is also recommended that envelopes containing official correspondence should not bear the names of the officials to whom they are being sent but should merely refer to the officials' titles, in order to facilitate the registration and distribution of the documents, and that, in cases where there are attachments to the communications that are not joined to them but are being sent separately, care should be taken to identify each attachment by means of the number of the communication to which it corresponds, since failure to do so leads to confusion and delays the performance of the business in question.

19. Circular No. C-15-140 of the Mexican Foreign Service, of 2 December 1938:

Although diplomatic bags should, strictly speaking, be used only for transporting official correspondence whose nature warrants such measures, they are often used for sending correspondence and even articles to individuals. The Ministry of Foreign Affairs does not wish to take drastic measures prohibiting such use of the bag and reserving it for legitimate purposes. However, pending preparation of the relevant rules, which are currently under consideration, it is recommended that when consignments are sent they should be accompanied by a consignment sheet containing an accurate description of the contents of the consignment and that the sheet should be included in the shipment in such a way that it may be inspected easily by the Ministry's Dispatch Office.

20. Circular No. 111-1-22 of 4 July 1961 addressed by the Mexican Foreign Service to the heads of Mexican diplomatic missions abroad:

In order to ensure that all our missions apply uniform rules regarding use of the diplomatic bag, the Ministry wishes to draw to your attention the fact that the applicable provisions are as follows:

1. The diplomatic bag may be used only to transport diplomatic papers and articles for official use.
2. Not all articles intended for official use, in one way or another, by the diplomatic mission are to be regarded as articles for official use but, rather, only those whose nature warrants the granting of the special protection provided by the bag, as in the case of diplomatic papers.
3. Accordingly, articles that are obtainable commercially (such as liquor and office equipment) are not suitable articles for transport by diplomatic bag, even though they are intended for official use by a diplomatic mission.

21. Memorandum of 10 September 1981 addressed by the Legal Counsel of the Ministry of Foreign Affairs of Mexico to the Director-General of Protocol:

...
In reply to memorandum No. 1407099 of 10 August 1981, in which the Deputy Director-General of Protocol requested the views of the office of which I am in charge on a query from the General Customs Office dated 1 October 1980 concerning the approach to be taken in cases where a diplomatic mission does not comply with the rules laid down by the Government of Mexico for the use of diplomatic bags, I wish to inform you of the following:

It would appear appropriate, in the case of a consignment to an embassy that does not comply with circular No. 301-I-72212 of the General Customs Office, of 31 August 1961, concerning the use of diplomatic bags, that the General Protocol Office and the diplomatic mission in question should be notified immediately that they may avail themselves of the exemption system for bringing into the country packages or parcels that cannot be accepted as diplomatic bags.

However, a recommendation should be made to the Customs Office that it should be as flexible as possible in implementing the above-mentioned circular in cases where the consignment is accompanied by an official accredited as a diplomatic courier, since the presence of the official is an indication of the importance that the sending Government attaches to the consignment.

What must be reaffirmed is that in no circumstances may or should a bag or package bearing an adequate diplomatic identification be opened.

As you know, the International Law Commission is preparing rules governing the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and it is hoped that in two or three years there will be a set of rules to cover the situations in question. The above-mentioned circular of 1961 will have to be revised at that point.

22. Observations dated 19 January 1982 addressed by the Ministry of Foreign Affairs of Mexico to the General Customs Office on the rules for the implementation of the new Customs Act as regards diplomatic bags:

...
With regard to the drafting of rules for the implementation of the new Customs Act, you will find below the views held by this Ministry on the diplomatic bag service, which should, if appropriate, be reflected in the rules in preparation.

1. The Government of Mexico is a party to the Vienna Convention on Diplomatic Relations, signed at Vienna on 18 April 1961;
2. Articles 24 and 27 and article 40, paragraphs 3 and 4, govern the dispatch and receipt of the bag at the international level (see annex);
3. Mexico, as a party to the Convention, has a legal obligation to implement it;
4. In accordance with current practice, the diplomatic bag is normally transported as air freight and dealt with as such. It is also brought into the country by diplomatic couriers, bearing diplomatic passports, or by the captains of aircraft. However, there are no restrictions whatsoever on the way in which the bag is transported, which may be by a delivery service, by the postal service or by a carrier (employing ships, buses or aircraft), etc.;
5. The port of entry into Mexico most frequently used is the Mexico City airport, but there are no restrictions whatsoever regarding ports of entry;
6. Only States and international organizations may send and receive diplomatic bags. In Mexico, apart from the Ministry of Foreign Affairs, only missions accredited to the Government of Mexico may send and receive diplomatic bags;
7. The diplomatic bag must bear external marks so that it can be readily identified. The container, in other words the bag itself, may be made of a variety of materials, such as leather, canvas or cardboard.
If there are serious doubts as to the diplomatic nature of a consignment, the customs authorities may request, as further proof, presentation of a certificate made out by a competent authority, such as the head of a diplomatic mission, the representative of an international organization or the Ministry for Foreign Affairs of the sending country (even though the Vienna Convention does not make provision for such cases, this course of action is the normal practice in a number of countries in addition to Mexico).
8. In the case of the Ministry of Foreign Affairs, the department responsible for the diplomatic bag shall make out the certificate, which shall indicate the number of packets or packages constituting the bag and any other information that is helpful in identifying the bag (air way-bill, registration, etc.);
9. The diplomatic bag must not be opened, detained or subjected to any type of inspection;
10. No special permit or licence is required in order to import the diplomatic bag. The latter is exempt from all customs duties, taxes and

related charges other than charges for storage, cartage and similar services;

10. The Vienna Convention provides that the bag may contain only diplomatic correspondence or articles intended for official use. There is no internationally accepted definition of what is to be understood by an "article intended for official use". The Vienna Convention guarantees the inviolability of the bag even if there are serious grounds for presuming that the articles in the bag are not for official use;

11. There is another type of bag, namely, the consular bag. This type of bag has fewer privileges than the diplomatic bag and its status is governed by the Vienna Convention on Consular Relations (art. 35 (annex)), to which Mexico is a party and which is binding on Mexico;

12. Because it is subject to a number of restrictions, the consular bag is rarely used, and consulates are authorized to dispatch and receive the diplomatic bag, which they prefer;

13. The chief restriction to which the consular bag is subject is that, in cases where it is thought to contain articles other than correspondence, it may be opened in the presence of an authorized representative of the sending State, who may refuse to permit the bag to be opened, in which case it is returned to its place of origin. Should a situation arise in which it is considered necessary to request that a consular bag be opened, it is desirable to inform the Ministry of Foreign Affairs and the General Protocol Office, in addition to the foreign mission concerned, in order to settle any possible dispute.

If it is deemed necessary, the text of the relevant articles of the Vienna Conventions on Diplomatic Relations and on Consular Relations, to which reference is made in the above paragraphs, could be reproduced in the draft rules.

Pakistan

[Original: English]
[28 December 1983]

In 1948, Pakistan gave legal force to the Convention on the Privileges and Immunities of the United Nations¹ by enacting the United Nations (Privileges and Immunities) Act 1948.² In 1972, the 1961 Vienna Convention and the 1963 Vienna Convention were also given legal force through the Diplomatic and Consular Privileges Act, 1973.³ In the above-mentioned legislation, the Government of Pakistan incorporated the provisions relating to diplomatic couriers and the diplomatic bag not accompanied by diplomatic courier in the two Conventions without any alterations. The texts of the relevant provisions are reproduced below.

United Nations (Privileges and Immunities) Act 1948:

Article III

Sect. 10. The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Diplomatic and Consular Privileges Act, 1972:

FIRST SCHEDULE

Article 5 [paras. 3-7]

3. The diplomatic bag shall not be opened or detained.
4. The packages constituting the diplomatic bag must bear visible exter-

nal marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly.

Syrian Arab Republic

[Original: English]
[7 November 1983]

The Syrian laws and regulations relevant to the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier are consistent with the 1961 Vienna Convention. That is to say, the Syrian airport authorities permit the diplomatic courier to hand over the diplomatic bags directly to the representative of the diplomatic mission, who has direct access to the tarmac. Moreover, the unaccompanied diplomatic bag is delivered to the representative of the diplomatic mission at the customs desk.

Thailand

[Original: English]
[7 February 1984]

Immigration Act of 24 February 1979 (extracts):

CHAPTER II. ENTRY INTO AND DEPARTURE FROM THE KINGDOM

Sect. 11. Persons entering or leaving the Kingdom shall pass through the authorized routes, immigration stations, ports, stations, or localities and during such time as to be prescribed by the Minister in the Government Gazette.

Sect. 12. No alien under any of the following descriptions shall be admitted into the Kingdom:

1. A person not having a genuine and valid passport or travelling document or, if he has, no visa has been issued by the Thai embassy or consulate abroad or the Ministry of Foreign Affairs, except in special cases where certain categories of aliens are exempted from requirement of visa.

The issue of visas and exemptions from requirement of visa shall be in accordance with the rules, procedure and conditions as prescribed in the Ministerial Regulation;¹

2. A person not having means of support appropriate for his admission into the Kingdom;

3. A person entering in order to become a labourer or to take up an employment for manual work requiring no academic or technical training,

¹ United Nations, *Treaty Series*, vol. 1, p. 15.

² *The Pakistan Code* (Karachi), vol. XI (1967), p. 16.

³ *The Gazette of Pakistan* (Islamabad), 19 August 1972, p. 361.

¹ As amended by Immigration Act (No. 2), B.E. 2523 (1980).

or to take up any other employment in violation of the law on the working of aliens;

4. A person of unsound mind or afflicted with any one of the diseases as prescribed in the Ministerial Regulation;

5. A person not having been inoculated against smallpox, or vaccinated or complied with any medical treatment for the prevention of contagious diseases prescribed by law, and refusing to allow an immigration medical officer to carry out the treatment;

6. A person having been imprisoned by the judgement of a Thai Court or a lawful order or the judgement of a foreign court except for a petty offence or an offence committed through negligence or an offence which has been exempted by the Ministerial Regulations;

Sect. 14. The Minister shall have the power to require any alien who is admitted into the Kingdom to possess cash or furnish security, or to grant exemption therefrom under any condition; provided that such requirement shall be published in the Government Gazette.

The requirement under paragraph 1 shall not apply to children under the age of 12.

Sect. 15. Aliens who have been admitted into the Kingdom and remain in the following capacity shall be granted exemption from complying with the duties of aliens as prescribed in this Act except for the duties or prohibitions under section 11, section 12, paras. 1, 4 and 5, and section 18, para. 2:

1. Members of diplomatic corps sent by a foreign Government to perform duties in the Kingdom, or those who travel through the Kingdom in order to perform duties in another country;

2. Consular officers or employees sent by a foreign Government to perform duties in the Kingdom, or those who travel through the Kingdom in order to perform duties in another country;

3. A person sent by a foreign Government with the consent of the Thai Government to perform duties or a mission in the Kingdom;

4. A person who performs duties or a mission for the Thai Government in the Kingdom under an agreement concluded between the Thai Government and a foreign Government;

5. Heads of offices of international organizations or agencies whose operations in Thailand are protected by law or approved by the Thai Government, and officials or experts or other persons who have been appointed or entrusted by such organizations or agencies to perform duties or missions in the Kingdom on their behalf or on behalf of the Thai Government under the agreements concluded between the Thai Government and such international organizations or agencies;

6. Spouses or children who are dependants and part of the family of a person specified in 1, 2, 3, 4 or 5 above;

7. Personal servants who come from abroad to carry on their normal occupation at the residence of persons referred to in 1 above or persons who have been accorded privileges and immunities equivalent to those of members of the diplomatic corps under an agreement concluded between the Thai Government and a foreign Government or an international organization or agency.

Cases under 1, 2, 6 or 7 above shall be in accordance with international obligations and the principle of reciprocity.

The competent official shall have the power to interrogate and ask for evidence in the investigation of a person being admitted into the Kingdom as to whether such person is entitled to the exemption under this section.

Sect. 16. In a case where the Minister finds the circumstances to be such that, in the national interest or for reasons of public order, good morals and public well-being, an alien or certain categories of aliens should not be admitted into the Kingdom, the Minister shall have the power to refuse admission of such alien or categories of aliens.

Sect. 17. In a special case, the Minister, with the approval of the Council of Ministers, may admit any alien or categories of aliens into the Kingdom under any condition or may waive any provision of this Act in any case.

Sect. 18. The competent official shall have the power to search any person entering or departing from the Kingdom.

For this purpose, the person entering or departing from the Kingdom shall submit particulars in the form prescribed in the Ministerial Regulation and shall have passed inspection of the competent official at the immigration station on such route.

Sect. 19. In examining whether an alien is under any prohibition to enter the Kingdom, the competent official may require the alien to reside at an appropriate place upon assurance that such alien shall present himself to the competent official to acknowledge the order on the date and at the time and place specified by the competent official and, if considered expedient, the competent official may require such alien to provide surety or surety with security, or may detain him at an appropriate place for the purpose of carrying out the provisions of this Act.

United Arab Emirates

[Original: English]
[14 December 1983]

No legislation on this matter has so far been enacted by the United Arab Emirates. Nor have any judicial decisions been rendered by the national courts. In practice, and in accordance with articles 27 and 41 of the 1961 Vienna Convention, if there is suspicion as to the contents of a diplomatic bag, the Ministry of Foreign Affairs offers the diplomatic mission concerned one of two options: to have the diplomatic bag opened by the proper authorities and in the presence of a member of the mission and a member of the Ministry of Foreign Affairs of the United Arab Emirates, or to have the diplomatic bag returned to the place from which it was originally sent.

Uruguay

[Original: Spanish]
[8 November 1983]

1. The general rules laid down in the Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air of 2 October 1929¹ are applied in Uruguay. The Warsaw Convention was duly ratified and is implemented in respect of all matters in any way relevant to the transport of the diplomatic bag not accompanied by diplomatic courier.

2. Moreover, in Uruguay there are no specific regulations on the diplomatic courier and the diplomatic bag, except for the relevant provisions of the 1961 Vienna Convention.

¹ League of Nations, *Treaty Series*, vol. CXXXVII, p. 11.

Viet Nam

[Original: English]
[18 April 1984]

1. As a State Party to the 1961 Vienna Convention, by which it has strictly abided, the Socialist Republic of Viet Nam follows with interest the elaboration by the Commission of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier.

2. It is in the interest of international co-operation that the maintenance of communication between States and

their missions abroad be free of abuse and violation. This is regarded by the Government of Viet Nam as a condition *sine qua non* for the normal functioning of those missions. Notwithstanding article 27 of the 1961 Vienna Convention, which establishes the legal status and the immunity of the diplomatic courier and the official correspondence of the mission, State intercourse in this respect has shown considerable gaps in and breaches in the observance of the existing international instruments. Many of the points and issues relating to the topic in question still require further elaboration. The Work undertaken by the Commission should in fact contribute greatly toward strengthening the effectiveness of the rules governing inter-State relations and co-operation.

3. The Socialist Republic of Viet Nam, while desiring to make further comments at a later stage of elaboration of the draft articles, fully supports the comprehensive approach applied to the draft, namely that of establishing a uniform régime for all kinds of couriers and diplomatic bags. In its view, an appropriate draft, adopted in the form of an international convention, would be beneficial. The scope of the draft should also be extended to encompass communications of recognized liberation movements, as well as the status of couriers and bags of international organizations. The Government of the Socialist Republic of Viet Nam looks forward to the Commission's fruitful work in completing the whole set of articles at its coming session.