

Inter-office memorandum to the Chief of Communications of the Archives and Records Services, concerning the legality of commercial courier services for United Nations pouches of a diplomatic nature

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS, 1946—UNITED NATIONS POUCHES ENJOY THE SAME PRIVILEGES AND IMMUNITIES AS THOSE AFFORDED TO DIPLOMATIC BAGS—VIENNA CONVENTION ON DIPLOMATIC RELATIONS, 1961, CONTAINS NO PROHIBITION AGAINST THE USE OF COMMERCIAL FACILITIES FOR CONVEYANCE OF DIPLOMATIC BAGS—UNITED NATIONS USE OF COMMERCIAL FACILITIES FOR CONVEYANCE OF ITS POUCH IS NOT INCORRECT

This is in reply to your memorandum of 24 March 1987 in which you referred to the provisions of section 10 of the 1946 Convention on the Privileges and Immunities of the United Nations* and article 27 of the 1961 Vienna Convention on Diplomatic Relations** and their applicability to the United Nations pouch.

The provisions of section 10 of the Convention on the Privileges and Immunities and of article 27 of the Vienna Convention are set out in the attachment hereto to facilitate reference.***

You are correct in your statement that section 10 of Convention on the Privileges and Immunities applies to the United Nations pouch, and provides that it shall have the same privileges and immunities as diplomatic bags.

As you have also noted, paragraph 7 of article 27 of the Vienna Convention provides for the entrusting of diplomatic bags to, and for the receipt of diplomatic bags directly from, captains of commercial aircraft.

It should be noted, however, that: paragraph 7 of article 27 of the Vienna Convention does not cover all the various modalities for conveyance of diplomatic bags; and the Vienna Convention contains no prohibition against use of commercial facilities for conveyance of diplomatic bags.

Thus, United Nations use of commercial facilities for conveyance of the United Nations pouch would not be incorrect from the legal point of view.

I hope this clarifies the question you had in mind.

5 May 1987

* United Nations, *Treaty Series*, vol. 1, p. 15 and vol. 90, p. 327 (corrigendum to vol. 1).

** United Nations, *Treaty Series*, vol. 500, p. 95.

*** Not reproduced herein.