

CONVENTION ON SPECIAL MISSIONS

Note: The Philippines signed the Convention, December 16, 1969. It deposited its instrument of ratification with the Secretary-General of the UN, November 26, 1976.

Reference: This Convention is also published in VIII DFA TS No. 2, p. 226.

THE STATES PARTIES TO THE PRESENT CONVENTION,

RECALLING that special treatment has always been accorded to special missions,

HAVING in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security and the development of friendly relations and co-operation among States.

RECALLING that the importance of the question of special missions was recognized during the United Nations Conference on Diplomatic Intercourse and Immunities and in Resolution I adopted by the Conference on 10 April 1961,

CONSIDERING that the United Nations Conference on Diplomatic Intercourse and Immunities adopted the Vienna Convention on Diplomatic Relations, which was opened for signature on 18 April 1961,

CONSIDERING that the United Nations Conference on Consular Relations adopted the Vienna Convention on Consular Relations, which was opened for signature on 24 April 1963,

BELIEVING that an international convention on special missions would complement those two Conventions and would contribute to the development of friendly relations among nations, whatever their constitutional and social systems,

REALIZING that the purpose of privileges and immunities relating to special missions is not to benefit individual but to ensure the efficient performance of the functions of special missions as mission representing the State,

AFFIRMING that the rules of customary international law continue to govern questions not regulated by the provisions of the present Convention,

HAVE AGREED as follows:

ARTICLE I

USE OF TERMS

For the purposes of the present Convention:

a. a "special mission" is a temporary mission, representing the State, which is sent by one State to another State with the consent of the latter for the purpose of dealing with it on specific questions or of performing in relation to it a specific task;

- b. a "permanent diplomatic mission" is a diplomatic mission within the meaning of the Vienna Convention on Diplomatic Relations;
- c. a "consular post" is any consulate-general, consulate, vice-consulate or consular agency;
- d. the "head of a special mission" is the person charged by the sending State with the duty of acting in that capacity;
- e. a "representative of the sending State in the special mission" is any person on whom the sending State has conferred that capacity;
- f. the "members of a special mission" are the heads of the special mission the representatives of the sending State in the special mission and the members of the staff of the special mission;
- g. the "members of the staff of the special mission" are the members of the diplomatic staff, the administrative and technical staff and the service staff of the special mission;
- h. the "members of the diplomatic staff" are the members of the staff of the special mission who have diplomatic status for the purpose of the special mission;
- i. the "members of the administrative and technical staff" are the members of the staff of the special mission employed in the administrative and technical service of the special mission;
- j. the "members of the service staff" are the members of the staff of the special mission employed by it as household workers or for similar tasks;
- k. the "private staff" are persons employed exclusively in the private service of the members of the special mission.

ARTICLE 2

SENDING OF A SPECIAL MISSION

A State may send a special mission to another State with the consent of the latter, previously obtained through the diplomatic or another agreed or mutually acceptable channel.

ARTICLE 3

FUNCTIONS OF A SPECIAL MISSION

The functions of a special mission shall be determined by the mutual consent of the sending and the receiving State.

ARTICLE 4

SENDING OF THE SAME SPECIAL MISSION TO TWO OR MORE STATES

A State which wishes to send the same special mission to two or more States shall so inform the receiving States when seeking the consent of those States.

ARTICLE 5

SENDING OF A JOINT SPECIAL MISSION BY TWO OR MORE STATES

Two or more States which wish to send a joint special mission to another State shall so inform the receiving State when seeking the consent of that State.

ARTICLE 6

SENDING OF SPECIAL MISSIONS BY TWO OR MORE STATES IN ORDER TO DEAL WITH A QUESTION OF COMMON INTEREST

Two or more States may each send a special mission at the same time to another State, with the consent of that State obtained in accordance with Article 2, in order to deal together, with the agreement of all of these States with a question of common interest to all of them.

ARTICLE 7

NON-EXISTENCE OF DIPLOMATIC OR CONSULAR RELATIONS

The existence of diplomatic or consular relations is not necessary for the sending or reception of a special mission.

ARTICLE 8

Appointment of the Members of the Special Mission Subject to the provisions of Articles 10, 11 and 12, the sending State may freely appoint the members of the special mission after having given to the receiving State all necessary information concerning the size and composition of the special mission, and in particular the names and designations of the persons it intends to appoint. The receiving State may decline to accept a special mission of a size that is not considered by it to be reasonable, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission. It may also, without giving reasons, decline to accept any person as a member of the special mission.

ARTICLE 9

COMPOSITION OF THE SPECIAL MISSION

1. A special mission shall consist of one or more representatives of the sending State from among whom the sending State may appoint a head. It may also include diplomatic staff, administrative and technical staff and service staff.
2. When members of a permanent diplomatic mission or of a consular post in the receiving State are included in a special mission, they shall retain their privileges and immunities as members of their permanent diplomatic mission or consular post in addition to the privileges and immunities accorded by the present Convention.

ARTICLE 10

NATIONALITY OF THE MEMBERS OF THE SPECIAL MISSION

1. The representatives of the sending State in the special mission and the members of its diplomatic staff should in principle be of the nationality of the sending State.
2. Nationals of the receiving State may not be appointed to a special mission except with the consent of that State, which may be withdrawn at any time.

3. The receiving State may reserve the right provided for in paragraph 2 of this Article with regard to nationals of a third State who are not also nationals of the sending State.

ARTICLE 11

NOTIFICATIONS

1. The Ministry of Foreign Affairs of the receiving State, or such other organ of that State as may be agreed, shall be notified of:

- a. the composition of the special mission and any subsequent changes therein;
- b. the arrival and final departure of members of the mission and the termination of their functions with the mission;
- c. the arrival and final departure of any person accompanying member of the mission;
- d. the engagement and discharge of persons resident in the receiving State as members of the mission or as private staff;
- e. the appointment of the head of the special mission or if there is none, of the representatives referred to in paragraph 1 of Article 14, and of any substitute for them;
- f. the location of the premises occupied by the special mission and of the private accommodation enjoying inviolability under Articles 30, 36 and 39, as well as any other information that may be necessary to identify such premises and accommodation.

2. Unless it is impossible, notification of arrival and final departure must be given in advance.

ARTICLE 12

PERSONS DECLARED NON GRATA OR NOT ACCEPTABLE

1. The receiving State may, at any time and without having to explain its decision, notify the sending States that any representatives of the sending State in the special mission or any member of its diplomatic staff is persona non grata, or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared non grata or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses, or fails within a reasonable period, to carry out its obligations under paragraph 1 of this Article, the receiving State may refuse to recognize the person concerned as a member of the special mission.

ARTICLE 13

COMMENCEMENT OF THE FUNCTIONS OF A SPECIAL MISSION

1. The functions of a special mission shall commence as soon as the mission enters into official contact with the Ministry of Foreign Affairs or with such other organ of

the receiving State as may be agreed.

2. The commencement of the functions of a special mission shall not depend upon presentation of the mission by the permanent diplomatic mission of the sending State or upon the submission of letters of credence or full powers.

ARTICLE 14

AUTHORITY TO ACT ON BEHALF OF THE SPECIAL MISSION

1. The head of the special mission or, if the sending State has not appointed a head, one of the representatives of the sending State designated by the latter is authorized to act on behalf of the special mission and to address communications to the receiving State. The receiving State shall address communications concerning the special mission to the head of the mission, or, if there is none, to the representative referred to above, either direct or through the permanent diplomatic mission.

2. However, a member of the special mission may be authorized by the sending State, by the head of the special mission or, if there is none, by the representative referred to in paragraph 1 of this Article, either to substitute for the head of the special mission or for the aforesaid representative or to perform particular acts on behalf of the mission.

ARTICLE 15

ORGAN OF THE RECEIVING STATE WITH WHICH OFFICIAL BUSINESS IS CONDUCTED

All official business with the receiving State entrusted to the special mission by the sending State shall be conducted with or through the Ministry of Foreign Affairs or with such other organ of the receiving State as may be agreed.

ARTICLE 16

RULES CONCERNING PRECEDENCE

1. Where two or more special missions meet in the territory of the receiving State or of a third State, precedence among the missions shall be determined, in the absence of a special agreement according to the alphabetical order of the names of the States used by the protocol of the State in whose territory the missions are meeting.

2. Precedence among two or more special missions which meet on a ceremonial or formal occasion shall be governed by the protocol in force in the receiving State.

3. Precedence among the members of the same special mission shall be that which is notified to the receiving State or to the third State in whose territory two or more special missions are meeting.

ARTICLE 17

SEAT OF THE SPECIAL MISSION

1. A special mission shall have its seat in the locality agreed by the States concerned.