Being a Diplomat
in Israel

Ministry of Foreign Affairs
Protocol Division

Jerusalem, October 2008

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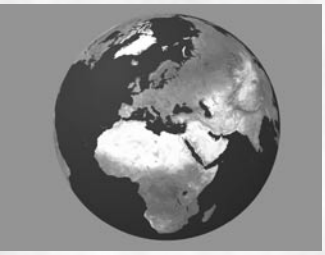


1 Introduction

We live in a rapidly changing world. This also affects the daily diplomatic routine. But conversely, the rules and regulations which were formulated and accepted several decades ago are still valid and in force. I am referring, of course, to the Vienna Convention on Diplomatic Relations 1961 (hereafter VCDR), the Vienna Convention on Consular Relations 1963 (hereafter VCCR), and the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946.

This guide is based on those internationally accepted rules and local practice. The policy and routine of the Israeli Protocol are intended to simplify the lives of the diplomatic community serving in Israel within the rules, but without undue rigidness and formality.

The guide tries to provide an overall view of the procedures and provisions in force. Hopefully, it will serve as a tool of reference in dealing with daily routine problems, as well as facilitating the stay of the diplomatic, consular, and international organizations community in Israel, by answering the most frequently asked questions, and enabling its members to serve their countries and organizations.

However, this guide, as a whole, is not a legal document and, therefore, it does not bind the Government of Israel nor any of its offices, nor Israel's legal system.

This is the first edition of this kind of guide. The author and the Protocol Department will be glad to receive comments and remarks from the members of the diplomatic community in anticipation of future editions. The various rules and stipulations are subject to change over time, and it is advisable that, for revisions and updates, the members of the diplomatic community consult the Israel Foreign Ministry website **www.mfa.gov.il** where the guide is posted.

This guide introduces changes in certain procedures and routines (such as the new A-1 form) which will enter into effect with its publication. Therefore, we highly recommend that the persons dealing with the Protocol Department in particular read it thoroughly and act accordingly. The Department shall be glad to answer any questions in case of necessity.

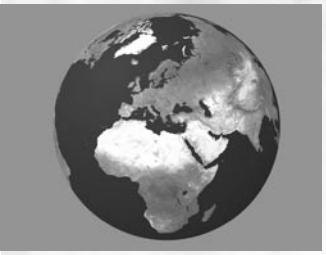
As well, we wish to clarify the term "sponsor" used in several chapters of the guide. The term applies to the person who is accredited as a "staff member," but not to the members of his/her family.

I wish to express the Foreign Ministry's sincere gratitude and appreciation to the author of this volume for the task he has performed in compiling the material under our guidance; beside the formal rules, he has provided varied and practical advice based upon his longstanding experience.

The author, retired Ambassador, Professor, and Dr. h.c. Mordechai D. Palzur, is a veteran of the Israeli Foreign Service since 1950. He studied Law, International Relations, and Political Science. He served as Ambassador in seven countries and as Chief of Protocol between 1990-1994. We thank him from the bottom of our hearts!

I also wish to thank Mr. Tsuriel Raphael from the Language Services Department for all his assistance in editing and producing this guide, as well as the entire team in the Protocol Department for their input. Special thanks also to the Consular Affairs Bureau and Legal Affairs Division for their comments.

Ambassador Yitzhak Eldan
Chief of Protocol



2 Protocol

2.1 The Chief of Protocol heads the Protocol and Official Guests Bureau which is subdivided into four departments:
1 – The Protocol Department;
2 – The Official Guests Department;
3 – The Management and Budget Department;
4 – The Language Services Department.

2.1.1 The functions and responsibilities of the Chief of Protocol of the Ministry of Foreign Affairs have been defined by a Decree of the Government of Israel, dated 16 January 1983, as follows:

A. The Chief of Protocol of the Ministry of Foreign Affairs is also the Chief of Protocol of the State of Israel in regard to the protocol and ceremonial aspects of its foreign relations.

B. The Chief of Protocol will be appointed from the staff of permanent officials who are eligible to serve in the position of Ambassador. He is subordinated to the Foreign Minister, and will be guided by the Ministerial Committee on Emblems and Ceremonies in regard to State ceremonies resulting from the decisions of the Government and the Ministerial Committee on Emblems and Ceremonies.

C. The functions of the Chief of Protocol:
   1) He/She is responsible for the organization and coordination of official ceremonies relating to dignitaries from foreign countries, such as Heads of State, Prime Ministers, Foreign and other Ministers (in accordance with the circumstances). The above applies both to visits in Israel and to official visits abroad by the President, Prime Minister, and Minister of Foreign Affairs.
   2 He/She provides advice to Government Ministries and other governmental institutions in regard to ceremonial matters.
   3) In carrying out these functions, the Chief of Protocol will act in coordination with the relevant offices and Ministries. The Chief of Protocol will be assisted by the "Permanent Committee" which he or she heads, regarding the implementation and operation of events and ceremonies, based upon governmental procedures, in this regard.
   4) In the diplomatic realm, the Chief of Protocol is responsible for the direct ties with the Heads of Diplomatic and Consular Missions and their staff as well as the special Missions of the International Organizations. The Chief of Protocol attends to their welfare in Israel, and establishes coordination on matters relating to the functions of the diplomatic staff, their welfare, their special privileges and immunities – on a basis of reciprocity. He/She welcomes incoming Ambassadors, presents them with briefings, organizes the ceremony for the presentation of their Credentials to the President of Israel and receives Ambassadors on the termination of their tour of duty in Israel.
   5) The Chief of Protocol is responsible for the publication of the Diplomatic List and the issuing of identity cards for the diplomatic, consular, and administrative staff of the foreign Missions and the International Organizations.
   6) The Chief of Protocol deals with every matter relating to the Diplomatic Corps, even if it is not specified in this decision.

2.1.2 Moreover, the Chief of Protocol heads the internal Foreign Ministry committee, which approves the acceptance of foreign honorary consular officers and the appointment of Israeli honorary consular officers in foreign countries.

2.2 The Protocol Department

2.2.1 Despite the very broad scope of its duties, the Protocol Department has a relatively small staff which counts less than ten officers that take care of about two-hundred foreign missions, which include Diplomatic, Carrière and Honorary Consular Missions, International Organizations, foreign special Missions and official bodies and their dependents, altogether several thousand persons.

The following chapters detail the tasks of the Department, which handles matters pertaining to the privileges and immunities due to the foreign Missions and members of their staff in accordance with their status and the prevailing treaties, laws, and regulations.

The Protocol Department handles all the procedures concerning accreditation of members of foreign Missions in Israel, accompanies them throughout their term of duty in Israel, and grants them the relevant assistance and services in order to enable them to carry out their functions.

As well, the Department takes care of inquiries deriving from the Vienna Conventions and the bilateral agreements which are related to working and living conditions of the members of foreign Missions in Israel.

2.2.2 In addition to the above, the Department organizes ceremonies which are held at the President's Residence and the Prime Minister's Office on the occasion of State Visits of Heads of State and Official Visits of Prime Ministers. The Department also prepares the letters of credence for Israeli Ambassadors and Consular Commissions for Israeli Consuls who are appointed to their posts, and briefs them along with other Ministry employees on protocol and ceremonial aspects of their work. The Department organizes special meetings, tours, and visits for members of the Diplomatic Corps. It also provides assistance and guidance on protocol issues to government, municipal, and other bodies in Israel.

Further details regarding the duties and functions of the Protocol Department are specified below.

2.3 The Official Guests Department

The Department is responsible for attending to the hundreds of official guests which visit Israel each year. The guests include many Heads of State, Prime Ministers, Foreign Ministers, Speakers of Parliament, Ministers, Members of Parliament, journalists, clergy, and academics. The Department attends to guests of the Ministry of Foreign Affairs and those of other Government Ministries. It also attends to guests of the President, the Prime Minister, and the Speaker of the Knesset.

The Official Guests Department is subdivided on a geographical basis (North America, Western Europe, Eurasia, Africa, Asia and the Pacific, and Latin America). It is responsible for preparing and coordinating the visiting program of the official guest, and each geographical section has a program organizer. The visit is handled in coordination with the various Government Ministries and institutions, as well as through the relevant political and regional departments of the Ministry of Foreign Affairs. The Official Guests Department is responsible for organizing meetings between the official guest and the political leaders in Israel. It also organizes official visits to places such as the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority and the Western Wall, and deals with the logistical side of the visit, such as the reservation of hotel rooms, organization of transportation, and arrangements at the airport.

The Official Guests Department handles both visits of individual official guests and visits by large delegations, as was the case on the occasion of the inauguration of the new Yad Vashem Museum in March 2005, when 41 delegations attended the event.

2.4 The Management and Budget Department

The Management and Budget Department is responsible for the logistical aspects of visits by official guests of the State of Israel and the work of the Protocol and Official Guests Bureau. The Department prepares budgetary proposals and documents in coordination with the relevant hotels, orders vehicles, makes payments, monitors the budgetary frameworks, and works to ensure that the frameworks are adhered to. In addition, the Department oversees the refund of Value Added Tax (VAT) to which members of foreign Missions are entitled.

2.5 The Language Services Department

The Department provides writing, translation, and editing services for all the departments of the Ministry of Foreign Affairs. The Department is responsible, among other things, for drafting official letters, translating speeches (including those of the Minister of Foreign Affairs), drafting statements and communiqués, and preparing various official documents, including notes verbale and circular notes.

2.6 Publications of the Protocol Department

2.6.1 Diplomatic List: Once a year (usually in January), the Department publishes the Diplomatic List based on information received from the Diplomatic Missions approximately one month before publication. The List includes:

A. Diplomatic Agents having the rank, status, and title recognized by international conventions, who are substantially performing their functions, and who were formally accredited.

B. The Order of Precedence of Heads of Missions which includes the date of presentation of their credentials.

C. Calendar of National Days.

D. List of honorary consular officers of States not represented in Israel by a resident diplomatic mission.

2.6.2 List of Senior Officials of the Ministry of Foreign Affairs: Issued once a year towards the end of the year.

2.6.3 List of the State Ceremonies which take place each year. The list is issued and distributed by the Protocol Department once a year, and the Heads of Mission or the Dean of the Diplomatic Corps (representing all the Missions) are invited to attend these ceremonies.

2.7 National Days, Receptions, and Large Events

A Mission which intends to hold a National Day Reception or other important event is highly recommended not to hold it during weekends or during other religious holidays, and to ask the Protocol Department whether the date and time of the planned event does

not coincide with other diplomatic events which may prevent many of the invitees to participate.

Furthermore, the Missions are urged to inform the local Police about the planned event in order to make the necessary security arrangements. (See 8.10 – Parking).

2.8 State and Diplomatic Order of Precedence List

At the end of this chapter, you may find the "short" list of the Israeli Order of Precedence; headed by the President, followed by the Prime Minister, the Speaker of the Knesset, and the President of the Supreme Court of Justice.

As already mentioned above, the Order of Precedence List within the Diplomatic Corps appears in the Diplomatic List.

In case any Mission should face a problem of precedence, for example, in the case of a sit-down dinner, the Protocol Department will gladly provide advice.

2.9 Dress

During the daily work routine, a tie and jacket is acceptable; on more formal occasions – a dark suit. On occasions of a religious character, it is recommended that consideration be given to the respective customs of each religious community.

2.10 Missions' Messengers and Drivers

In order to ease the entry to the Protocol Department and other offices of the Foreign Ministry by locally recruited messengers and drivers in service of foreign Missions who frequently visit the Ministry, the Missions must submit a form and photograph of the individual concerned to the Protocol Department.

2.11 Daily Contact with the Protocol Department

2.11.1 The Missions are kindly requested to appoint one of their staff members (such as a Protocol or Administrative Officer) to be the contact person with the Protocol Department for daily routine matters. Such a person is expected to know the details of protocol work and to be personally acquainted with the personnel of the Department. Such an arrangement helps to ease the mutual cooperation between the Missions and the Department, and omits misunderstandings.

2.11.2 Regarding consular matters (such as passports, visas, entry into Israel, foreign domestic service employees, etc.), the Mission should send its queries and correspondence directly to the Consular Affairs Bureau of the Foreign Ministry.

2.11.3 Political matters should be referred directly to the relevant political and regional departments.

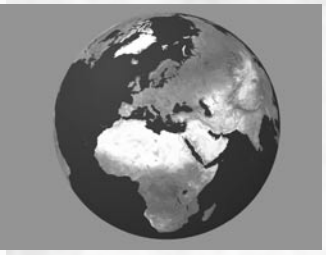
2.11.4 Matters pertaining to visits of foreign dignitaries should be referred to:

- the Protocol Department;
- the Official Guests Department;
- and the relevant political/regional department.

Order of Precedence as Authorized on 25/2/08 for State Events (shortened Top VIP list)

1. The President of the State of Israel
2. The Prime Minister
3. The Speaker of the Knesset
4. The President of the Supreme Court
5. The Chief Rabbis of Israel
6. The former Presidents of the State of Israel
7. The Government Ministers
8. The Head of the Coalition, the Head of the Opposition
9. Justices of the Supreme Court
10. The Legal Advisor to the Government, the State Comptroller, the Governor of the Bank of Israel
11. The Chairman of the Executive of the World Zionist Organization and the Jewish Agency for Israel
12. The Dean of the Diplomatic Corps
13. The Chief of Staff of the Israel Defense Forces, the Commissioner of Police
14. The Heads of the Religious Communities (non-Jewish)
15. The Government Secretary, the Knesset Secretary, the Chief of Staff in the Prime Minister's Officer, the Director General of the Prime Minister's Office, the Director General of the Knesset
16. The Mayor of Jerusalem
17. The Chief of Protocol at the Ministry of Foreign Affairs

The Chairperson of the Ministerial Committee for Emblems and Ceremonies, in consultation with the Inter-Ministerial Committee for Ceremonies and State Events, will decide upon all queries regarding additions or changes in the above VIP list.



3 Heads of Diplomatic Missions

3. 1 Heads of Diplomatic Missions

3.1.1 Article 1(a) of the VCDR defines the "Head of Mission" as "the person charged by the sending State with the duty of acting in that capacity," while Article 14(1) provides further details as follows:

"Heads of mission are divided into three classes, namely:

(a) that of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank;

(b) that of envoys, ministers and internuncios accredited to Heads of State;

(c) that of *chargés d'affaires* accredited to Ministers of Foreign Affairs."

Nowadays, most "Heads of Mission" have the rank of Ambassadors.

As far as the receiving State is concerned, the "Head of Mission" has overall responsibility for all activities of his Mission, including his staff.

3.1.2 Agrément

A Article 4 of the VCDR requires the sending State to obtain the agreement of the receiving State for the person it proposes to accredit as the incoming Head of Mission.

B. The request for the agreement has to be submitted to the Chief of Protocol either by the outgoing Head of Mission in Israel, or through the Israeli Embassy accredited to the sending State.

C. The formal request must be made by means of a note verbale, or a letter signed by the outgoing Head of Mission, or by a competent official of the Ministry of Foreign Affairs of the sending State. A curriculum vitae must be attached to the request, and besides the usual details of the person and his/her career, the document has to include: place and date of birth; previous names (if any); nationality/nationalities and previous nationalities; names of parents.

D. The same procedure applies in cases of agrément requests for non-resident Heads of Mission.

E. The normal processing time takes between three to four weeks from the day the request has been received in the office of the Chief of Protocol, but it may vary from case to case, according to circumstances.

F. The Protocol Department informs the Mission of the sending State or its Ministry of Foreign Affairs by means of a note verbale once the agreement is granted.

3.2 Multiple Accreditations

Article 5(1) of the VCDR stipulates that the receiving State must be informed if the sending State wishes to accredit a Head of Mission or assign any member of the diplomatic staff to more than one State.

A Head of Mission residing in Israel who is also accredited to additional State(s) should first present his/her credentials in Israel before presenting them in other countries.

3.3 Israeli Citizens and Permanent Residents in Israel

The Israeli Government's policy is that it will not provide agreement for accreditation as head of a diplomatic mission to a person who is an Israeli citizen or who holds the status of a permanent resident in Israel.

3.4 Addressing the Letters of Credence

Letters of Credence and Letters of Recall should be addressed to His/Her Excellency [name] of The President of the State of Israel.

3.5 Arrival of the Head of Mission

A Upon arrival, the Head of Mission will be met at Ben Gurion International Airport by a representative of the Protocol Department, provided that the arrival takes place on Sundays to Thursdays between 8 a.m. and 9 p.m., and on Fridays between 8 a.m. and no later than three hours before the start of the Sabbath. On Saturdays, as well as public and religious holidays no official representative will be present, but the Mission may, in previous coordination with the Protocol Department, make arrangements to assist the new Head of Mission with his/her arrival procedures.

If located in Israel, it is the Mission's responsibility to make transportation arrangements.

B. In case of a non-resident Ambassador-designate, upon his/her initial arrival in Israel, he/she will be met as above, by a Protocol official and assisted with means of transportation and with other necessary arrangements to facilitate his first stay in Israel. The preparations for his arrival in Israel must be arranged well ahead of his/her arrival (See 3.19).

3.6 Presentation of Working Copies

Soon after the arrival, the incoming Head of Mission should call on the Chief of Protocol in order to present him with the copies of Letters of Credence and Recall of his/her predecessor, and to formally request an Audience with the President in order to present his/her Letters of Credence. The Chargé d'Affaires may also be present at the meeting.

The Chief of Protocol will also brief the Ambassador-designate of further procedures prior to the official ceremony of presentation of Letters of Credence to the President.

After meeting with the Chief of Protocol, the Ambassador-designate will be introduced to the head of the regional division and other senior officials.

3.7 Before the Formal Ceremony

A. Once the schedule of presentation of Letters of Credence has been fixed, a meeting is usually arranged at the office of the Chief of Protocol for the group of Ambassadors-designate who are to participate at the ceremonies on the same day. At the meeting, the participants are briefed on the exact proceedings of the ceremony. At the same time, they may become personally acquainted and discuss, if they wish, a possible group coordination of a "vin d'honneur," which may take place after the presentation.

B. The date of the presentation of Credentials is fixed by the Office of the President after coordination with the Protocol Department.

It is common practice for a presentation date to be set when a minimum of four Ambassadors-designate have arrived in Israel. Experience indicates that these ceremonies take place four to five times per year.

It is advisable that the interested Mission checks with the Protocol Department if a date for the next ceremony has been fixed in case an incoming Ambassador would wish to make his arrival preparations accordingly.

In any case, it is advisable that a new Ambassador who will reside in Israel arrives at least ten days in advance before the presentation date, and his Mission is requested to inform the Protocol Department ten days in advance regarding the exact details of his/her arrival.

3.8 Ambassador-Designate

A. The Ambassador-designate is considered a Head of Mission who presented the copies of his/her Credentials to the Chief of Protocol until the moment he/she presents his/her Letters of Credence to the President.

B. Taking into account that from the day of arrival in Israel till the presentation of Credentials to the President, several weeks may elapse, Israeli Protocol permits the Ambassador-designate to assume his/her functions, to make calls on Ministers and other state dignitaries, to attend ceremonial events, to use his/her country's flag on his/her car, and even to host formal receptions, except for those listed below:

   1. Events hosted by the President, unless adequate arrangements have been made by the Protocol Department.

   2. Public appearances, including those in the media, as well as formal invitations that do not employ the title of "Ambassador-designate."

In case of doubt, it is advisable to contact the Protocol Department which will be very glad to provide proper guidance.

As far as the Protocol Department is concerned, there is no restriction on the Ambassador-designate to make courtesy calls on his colleagues in the Diplomatic Corps or to participate in other diplomatic activities according to the custom of the Diplomatic Corps in Israel.

3.9 Order of Precedence

According to Article 13(2) in the VCDR, the Order of Precedence among Heads of Mission is determined by the date and time of their arrival in Israel. It is in this exact order that they present their Credentials to the President.

The representative of the European Union is considered an Ambassador and assumes his/her seniority accordingly.

3.10 The Day of Presentation

A. Dress for the ceremony of the Ambassador-designate and his/her accompanying entourage will consist of:

   - Dark business suit dress for men, day dress for ladies/accompanying entourage,
     or
   - National dress,
     or
   - Diplomatic or military uniform (with decorations).

B. The Ambassador-designate may be accompanied by a maximum of five diplomatic members of his/her staff. A list of the accompanying group, indicating the names and titles of members of the entourage, must be submitted to the Protocol Department at least two working days before the presentation. The Ambassador's spouse and grown-up children may be present and observe the ceremony from the gallery

designated for the press, and after the formal presentation of Credentials, she/they may be presented to the President. If participation of the spouse/children is requested, special arrangements have to be made with the Protocol Department, including transportation, which must be supplied by the Mission, and the family members should arrive at the President's residence well ahead of time.

C. If the Ambassador-designate resides in Jerusalem, the Chief of Protocol or his/her Deputy arrives at a fixed time at the Ambassador-designate's residence in the President's car flying the flags of the Ambassador-designate and of Israel. The Mission has to provide cars for the accompanying members of the staff. Two police motorcycles escort the Ambassador-designate's car.

D. In cases where the Ambassador-designate resides outside Jerusalem, the longstanding tradition is that the Ambassador-designate and his/her entourage await the arrival of the Chief of Protocol in the lobby of the King David Hotel (on King David Street); the departure time from there is about 5-6 minutes before the starting time of the ceremony.

The Ambassador-designate takes his/her seat in the car, with the Chief of Protocol on his/her left. The members of the accompanying entourage follow.

The motorcade procession is expected to arrive at the President's Residence sharply at the time fixed for the start of the ceremony.

E. The entire ceremony lasts, on the average, between 20-25 minutes.

F. If the Ambassador-designate wishes to use a language other than those known by the President during the audience, the Embassy has to provide an interpreter.

3.10.1 Presentation of Credentials

A. Upon arrival at the President's Residence, the Ambassador-designate is greeted by the officer commanding the guard units.

B. The Ambassador-designate places himself/herself on the right of the Chief of Protocol. The members of his staff place themselves immediately behind him. If a Military Attaché is present, he places himself at the end of the second row.

C. The national flag of the country represented by the Ambassador-designate is raised on the left-hand mast, alongside the flag of Israel and the standard of the President.

D. The guard of honor, with standard and band, presents arms. The band plays the national anthem of the country represented by the Ambassador-designate.

E. The officer commanding the guard of honor advances toward the Ambassador-designate, salutes him, and announces that the guard is ready for his inspection. The Ambassador-designate, accompanied by the Chief of Protocol, who places himself/herself on his right, reviews the guard; they halt a short instant in front of the colors, where the Ambassador-designate takes a bow and then continues to review the guard. The rest of the entourage follows at a short distance.

F. The group then moves towards the entry to the Presidential Audience Hall, where the President's Aide de Camp welcomes it.

G. The Ambassador-designate, with the Chief of Protocol on his/her left and the Aide de Camp on his/her right, followed by the members of the Ambassador-designate's staff, walk toward the Audience Hall, and halt a few paces in front of the President.

H. The Chief of Protocol invites the Ambassador-designate to approach and introduces him/her in Hebrew as follows: "Mr. President, I have the honor to introduce to you his/her Excellency, the Ambassador of _____, Mr/Ms _____."

Then, the Ambassador-designate bows and says: "Mr. President, I have the honor to present to your Excellency [when appropriate: the Letter of Recall of my predecessor] with the Letter of Credence as Ambassador Extraordinary and Plenipotentiary of _____ to Israel."

The Ambassador steps toward the President and presents his/her Credentials to the President with both hands and bows, and then both of them shake hands.

I. The Chief of Protocol introduces the new Ambassador to the officials who accompany the President, and afterwards, the Ambassador asks the President's permission to introduce each of the members of his/her entourage in order of precedence.

J. The President invites the Ambassador to join him in the Drawing Room, where he/she sits at the right of the President. The spouse and Embassy staff join them and take their places with the President's entourage.

K. Gifts are not exchanged.

L. At the end of the audience, the Ambassador is invited to sign the Visitors' Book.

M. The Ambassador then takes leave of the President and of the others present. Members of the staff may likewise take leave.

N. The President departs the Audience Hall.

O. Upon exiting the Audience Hall, the procession will form in the same order as at the beginning of the ceremony, and so withdraw. Should the Ambassador's spouse be present, he/she joins the last row.

P. Outside the building, all in the procession halt. The guard of honor presents arms and the band plays the Israeli National Anthem, Hatikvah.

Q. At the conclusion, the Ambassador, accompanied by the Chief of Protocol, will pass before the guard of honor and will depart with the presidential car, either to his/her residence in Jerusalem or to the King David Hotel. The Mission staff will follow in the cars.

3.11 Photographs of the Ceremony

During the ceremony, photographs are taken by the official photographer of the Office of the President and a set is sent by the Protocol Department to the new Ambassador some time after the ceremony.

3.12 Vin d'honneur: After the Presentation

This event is not included in the official ceremony of presentation of Credentials and is considered optional. It fully depends on the circumstances and other possibilities of the Head of Mission. The Protocol Department will be pleased to give oral advice upon request (See 3.7.A).

3.13 Courtesy Calls

As mentioned above, after presenting the working copies, the Ambassador-designate may make courtesy or working calls. It is customary for a courtesy call to be made on the Dean of the Diplomatic Corps, in order to receive advice on the practice of making calls on colleagues and other customs among the members of the diplomatic circles in Israel.

3.13.1 Calls on Dignitaries

There is no rule or custom regarding courtesy or business calls on Cabinet Ministers or political figures. The new Ambassador is absolutely free to act according to his/her wishes. The Mission may make direct contact with any of the offices, except for requests for an appointment with the President, the Prime Minister, and the Minister of Foreign Affairs, arrangements for which have to be made by the Protocol Department.

Direct contact may be made with senior officials of the Ministry of Foreign Affairs.

3.14 Upon Departure – Termination of Term of Duty

A. In order to enable proper preparation of schedule, the Mission is requested to communicate by means of a note verbale to the Protocol Department the presumed date of termination of the Ambassador's term of duty in Israel. It will serve as a date of reference for arranging a farewell luncheon, which is customarily hosted by the regional Deputy Director General of the Foreign Ministry, and other possible farewell visits. The presumed date will serve as an indication and must not exactly coincide with the effective departure date.

B. Heads of Mission are free to pay farewell calls on other personalities via direct arrangements and/or by holding a farewell reception.

C. The Head of Mission and his/her family's Diplomatic Identity Cards, as well as airport passes, should be returned to the Protocol Department upon their departure.

3.15 The Passing Away of an Ambassador

In the regrettable event that a serving ambassador passes away in Israel, the Embassy is requested to immediately inform the Protocol Department. According to the standing regulations of the State Protocol, an official ceremony is held at the Ben Gurion Airport before the coffin is placed on the airplane.

3.16 Notification of Appointment of Acting Head of Mission

On the final date of departure, the outgoing Ambassador sends the Chief of Protocol a signed letter or an initialled note designating the person who, during the absence of the Ambassador, will act as Chargé d'Affaires ad interim of the Embassy. The Chargé d'Affaires is a nominated member of the diplomatic staff of the Mission, usually the "No.2" on the diplomatic list, with the exception of Military Attachés and other similar functionaries.

3.17 Absence of the Head of Mission

Article 19 of the VCDR specifies the manner by which the Chargé d'Affaires is appointed as follows:

Article 19

1. If the post of the head of the mission is vacant, or if the head of the mission is unable to perform his functions, a chargé d'affaires ad interim shall act provisionally as head of the mission. The name of the chargé d'affaires ad interim shall be notified, either by the head of the mission or, in case he is unable to do so, by the Ministry of Foreign Affairs of the sending State or such other ministry as may be agreed.
2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission.

In order to avoid any misunderstandings from the above, it is clear that in the event that the person who acts as a Chargé d'Affaires ad interim has to leave the post, he/she cannot appoint another Chargé d'Affaires ad interim, and in this case the nomination has to be made by his/her Ministry of Foreign Affairs.

3.18 Accredited Chargé d'Affaires "en pied"

A. In the event that a sending State chooses that its representation will be on the level of a Chargé d'Affaires "en pied," Article 4 of the VCDR stipulates that an agrément has to be received before his/her official nomination. Paragraph 1 of Article 4 states:

> "The sending State must make certain that the agrément of the receiving State has been given for the person it proposes to accredit as head of the mission to that State."

Article 14, paragraph 1-C states that the definition of "Head of Mission" includes "Chargés d'Affaires accredited to Ministers of Foreign Affairs."

B. The procedure of seeking the agrément is the same as for an Ambassador. The Chargé d'Affaires does not present Credentials to the President, but is accredited to the Minister of Foreign Affairs. A courtesy call on the Minister of Foreign Affairs is arranged by the Protocol Department for the Chargé d'Affaires "en pied," in order to present the Minister the letter under which he/she is accredited by a written appointment of his/her Minister of Foreign Affairs. He/she is considered a permanent Head of Mission, has precedence over Chargé d'Affaires ad interim and the Mission he/she is heading is treated on the same level as the rest of the Diplomatic Missions.

C. A Chargé d'Affaires "en pied," while leaving the post temporarily or permanently may nominate a Chargé d'Affaires ad interim.

3.19 Non-resident Heads of Mission

A. The Protocol Department is aware that upon his/her first visit to Israel, a non-resident Ambassador is in need of assistance beyond that of a resident Ambassador. Therefore, the Protocol Department will do its best to be of service to the non-resident Ambassador.

B. The initial arrival should be closely coordinated with the Protocol Department so that the arrival will occur a few days before the presentation of Credentials ceremony and in order to ensure that the said Ambassador will be received by the President.

C. The contact with the Protocol Department may be made directly or with the assistance of the Israeli Embassy in the capital of the country of the Ambassador's residence. In the latter case, it is highly advised that a photocopy of the working copies of the Letters of Credence and of Recall be delivered to the relevant Embassy.

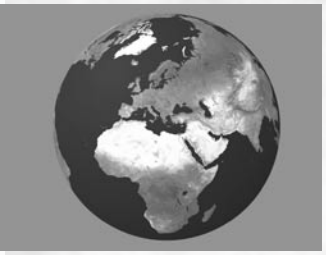
D. For arrival time and other arrangements, see "Arrival of the Head of Mission" (3.5.B). A non-resident Head of Mission will be escorted by an official of the Protocol Department to his/her hotel in Jerusalem.

E. A car with a driver (who is generally not a qualified tourist guide) will be put at his disposal for a period of three days. If the Ambassador is accompanied by his/her spouse and/or assistant, they are, of course, welcome to join him/her in the car.

F. Immediately after the arrival in Israel, an appointment with the Chief of Protocol is arranged and the details of the visit are discussed and finalized. Beside the usual arrangements regarding the presentation of Credentials, the Protocol Department will facilitate for the Ambassador appointments in the Ministry of Foreign Affairs and others according to his/her request and timetable possibilities. The Foreign Ministry regional department invites the Ambassador for a luncheon or a dinner.

G. Working Visits: During his/her term of duty, a non-resident Head of Mission will be provided upon his/her request with a program by the relevant geographical department.

H. Upon Departure: If the departure on his/her first visit will be within the three days in which the Ministry supplies a limousine for the Ambassador, he/she will be brought to the airport. Otherwise, he/she has to make his/her arrangements for transportation to the airport. Upon final departure, he/she will be seen off by a Protocol Officer, as is the case with a resident Ambassador.



4 Mission Personnel

4.1 Besides the definitions in relation to the Head of Mission (specified in Chapter 3), the VCDR clearly distinguishes between "members of the diplomatic staff" and other categories of members of the Mission.

4.2 Diplomatic Status

4.2.1 Article 1(d) of the VCDR states:
The "members of the diplomatic staff are the members of the Mission having diplomatic rank."

As a result of the above, diplomatic status is accorded in Israel to officials who substantially perform diplomatic functions on a full-time basis and hold a recognized diplomatic title. They should, in principle, be nationals of the sending State, possess a diplomatic passport, have a diplomatic visa granted by the Consular Affairs Bureau, and not engage in any activity for personal profit. The Protocol Department grants them a white ID diplomatic card.

4.2.2 In principle, the same status is accorded to the immediate families (spouses and dependents), forming part of the household of the diplomat, who have been accredited and accepted as such.

4.3 Members of Administrative and Technical Staff

4.3.1 Article 1(f) of the VCDR states:
"the members of the administrative and technical staff are the members of the staff of the Mission employed in the administrative and technical service of the Mission."

4.3.2 In order to be accredited as the administrative and technical staff, or service staff of the diplomatic mission, and to hold such status, a person should:

- Possess an official or service passport;
- Receive a service or official visa;
- Perform full-time duties at the diplomatic mission;
- Not engage in any professional or commercial activities for personal profit.

4.4 Members of Carrière Consular Posts

4.4.1 Article 1 of the VCCR provides the following definitions:

a. "Head of consular post" means the person charged with the duty of acting in that capacity;
b. "Consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;
c. "Consular employee" means any person employed in the administrative or technical service of a consular post;
d. "Member of the service staff" means any person employed in the domestic service of a consular post;
e. "Members of the consular post" means consular officers, consular employees and members of the service staff;
f. "Members of the consular staff" means consular officers, other than the head of a consular post, consular employees, and members of the service staff;
g. "Member of the private staff" means a person who is employed exclusively in the private service of members of the consular post.

4.4.2 In order to be accredited as a consular officer (Consul General, Consul, Vice-Consul), a person should:

- Possess a diplomatic passport;
- Perform consular functions on a full-time basis, while residing in the consular district;
- Not engage in any professional or commercial activities for personal profit;
- Present a Consular Commission or other agreed-upon accreditation instrument;
- Receive a diplomatic visa.

4.4.3 In order to be accredited as a consular employee and /or a member of the service staff of a consular post, and to hold such status, a person should:

- Possess a service or official passport;
- Perform full-time duties at the consular post;
- Not engage in any professional or commercial activities for personal profit;
- Receive a service or official visa.

4.5 Staff Members of International Organizations

4.5.1 Senior officers of the United Nations coming to Israel for a full-time assignment and possessing a red UN Laissez Passez will be granted a diplomatic visa. They are not permitted to engage, besides their official assignment, in any professional or commercial activities for personal profit. In order to be accredited as mentioned above, the Mission must send a visa application, together with the passport, to the Consular Affairs Bureau. After receiving the visa, an A-1 form has to be sent to the Protocol Department with a note verbale and required attachments (See Chapter 6).

4.5.2 Staff Members of International Organizations: In order to be accredited as a staff member of a representative office of an international organization and to hold such status, the person should possess a blue UN Laissez Passez or a valid passport of a foreign State, perform full-time duties at the international organization, and not engage in any professional or commercial activities for personal profit.

The organization which intends to accredit the person to Israel has to send a visa application together with the person's passport to the Consular Affairs Bureau, and afterwards an A-1 form to the Protocol Department with a note verbale and required attachments.

4.6 Family Members

4.6.1 The VCDR and VCCR refer to members of the family who form part of the household of a diplomat, a consular officer or a member of the administrative or technical staff in relation to privileges, immunities, and exemptions. The term "member of the family who form part of the household" is not defined and, therefore, each signatory State of the two Vienna Conventions may provide its own interpretation.

4.6.2 A distinction exists between members of the family who are nominated and accepted as "part of the household" of diplomatic agents and consular officers (and, therefore, entitled to the privileges, immunities, exemptions, and relevant identity cards due them), and those who are not nominated and accepted as part of the household.

4.6.3 The Protocol Department accepts and accredits family members who form part of the household, provided that they are properly nominated by the Ministry of Foreign Affairs of the sending State, which also grants a diplomatic passport to family member/s of a diplomat or another kind of official passport to a family member of other officials according to their assignment.

Israel considers a family member who forms part of the household to be:

- The married spouse (not including an Israeli citizen or permanent Israeli resident);
- Minors up to the age of 18, provided they live with their parents in Israel;
- Unmarried children who, because they are physically or mentally disabled, are incapable of self-support and are living with their parents in Israel;
- Other cases such as a child who does not fulfill the above-mentioned conditions or any other clearly dependent person who has an established history of forming part of the household, recognized by the sending State, or where other special circumstances exist; the application will be judged case by case on its merits by the Protocol Department, only at the formal and explicit request by the sending Ministry of Foreign Affairs, for the purposes of Article 37 of the VCDR, or Article 24 of the VCCR.

4.6.4 Family members who are not accepted as officially part of the household and who do not qualify for entry and stay in Israel with an official status should seek through the respective Israeli consular staff abroad their appropriate visa status (such as visitor, student, etc.), and while being already in Israel through the Ministry of Interior.

4.6.5 The Missions are requested to inform the Protocol Department of any changes in the composition of the household, whether this is due to leaving the household or passing the age limit, and to return the person's ID Card to the Protocol Department.

4.6.6 It is to be stressed that by virtue of Article 37(2) of the VCDR, the members of the family of administrative and technical staff do not enjoy immunities and privileges if they are citizens or permanent residents of Israel.

4.7 Non-resident Diplomats

4.7.1 States which are represented in Israel by non-resident diplomats are requested to provide the Protocol Department full details of a non-resident diplomat whom they intend to accredit, to fill out for each of them the A-1 form, and send it by mail with an official note verbale stamped and signed/initiated by the Head of Mission.

4.7.2 Moreover, the Protocol Department has to be notified of any changes in the status, address, etc. of the official during his/her assignment, and notified of its termination.

4.7.3 Heads of Mission and Military Attaches may apply for an ID Card, which has to be returned to the Protocol Department upon termination of their assignment.

4.7.4 Non-resident diplomats of States who need to have an entry visa to Israel should, during their first visit to Israel, acquire at the Consular Affairs Bureau a multiple entry visa to Israel.

4.8 Appointment of Defense, Naval, Military, and Air Attaches

4.8.1 Under the provision of Article 7 of the VCDR, the sending State should submit in advance the names of such appointees for approval by the Israeli authorities. In submitting the names to the Protocol Department, the request should be accompanied by a curriculum vitae which should include the following data: date and place of birth, nationality(ies) in the present and past, rank, military occupational specialty, military and/or academic degrees and careers, languages, and members of family (names and dates of birth). The accreditation request applies only to the heads of sections and is not necessary for their assistants.

4.8.2 The Protocol Department will inform the Mission by means of a note verbale of the approval of the candidate, after which the designated officer make take his/her post.

4.9 Notification of Arrivals, Departures, Change of Address, Function, or Civil Status

4.9.1 Article 10 of the VCDR as well as Article 24 of the VCCR provide that the Ministry of Foreign Affairs must be notified of the appointment of members of the Mission or post, of their arrival, their final departure or termination of their functions within the Mission, changes in functions, civil status, addresses, birth, or death of a family member, etc. (See Chapter 6 and A-1 form).

4.9.2 Similar notification is required for persons who belong to the household of a member of the Mission or post, for private domestic staff including residents of the receiving State, as well as the engagement and discharge of Israeli citizens or permanent residents who are locally engaged as members of the Mission.

4.9.3 The practice in Israel is that once a year, during the month of January, the Missions forward to the Protocol Department lists of locally engaged staff (See: 4.12).

4.9.4 The Protocol Department is aware of the fact that the Missions, while sending the notification of arrival – A-1 form, are not always able to provide beforehand details of the private addresses and phone numbers of the newly arrived officers, but even after they have settled into their residences, in many cases the Protocol Department is not informed of their addresses. This information is very important for these members of Mission because their residences enjoy (according to paragraph 30 of the VCDR) inviolability, as long as the residence is known and registered as such with the authorities. Therefore, the Missions are requested to send this additional information as soon as it is available on the A-1 form, and to inform the local police station accordingly.

4.9.5 Departure

a. Upon termination of assignment and final departure of the sponsor as well as his/her family members and the Foreign Domestic Service Employees (See 4.13), the Mission has to fill out the A-1 form and to send it to the Protocol Department with a note verbale and to attach the following documents:

   - ID card of the sponsor and members of his/her family;
   - Airport Permit;
   - A copy of the notification sent by the sponsor to the Official Passport and Visa

Department in the Foreign Ministry Consular Affairs Bureau regarding the date and flight number of his/her FDSEs (see "Undertaking, App. F-2" in section 4.13 dealing with FDSEs);

- A copy of the letter sent to the Licensing Division of the Ministry of Transportation returning the Official License Plate(s) of the car(s) of the family;
- License for carrying arms (in relevant cases).

b. Once the notification has been sent to the Protocol Department, the officer and members of his family are no longer considered members of the Mission, and if anyone of them wishes to stay in Israel for an additional period of time, they have to take the proper steps in order to legalize their stay.

4.10 Appointment of Israeli Citizens or Permanent Residents with a Foreign Nationality

Article 8 (paragraph 1) of the VCDR states:

> "Members of the diplomatic staff of the Mission should in principle be of the nationality of the sending State."

While paragraph 2 states:

> "Members of the diplomatic staff of the Mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time."

Israel does not accept the appointment of Israeli citizens or persons who permanently reside in Israel as members of diplomatic or career consular corps, or as members of administrative or technical staff.

4.11 Employment of Family Members

Spouses or other accepted family members of foreign "members of the staff of the Mission," who enjoy privileges and immunities due them according to their status, are not permitted to engage for personal profit in any professional or commercial activity with the following exceptions:

A. The person is being employed within the framework of the Mission in which the sponsor is a staff member; in such a case, the Protocol Department has to be informed by means of a note verbale.

B. Israel and the particular State have signed a specific bilateral agreement and the interested person may be employed within its framework.

C. In other very exceptional cases, the Mission has to consult the Protocol Department, but it must be clear that any special permit which is outside the scope of official status, will forfeit the privileges and immunities of the person who has to meet all the requirements that apply to foreign nationals, and, moreover, the principle of reciprocity will be observed.

4.12 Local Staff

4.12.1 The Mission is free to employ any person who legally resides in Israel, and in the case of foreign nationals has a valid visa permitting him/her to work in the country. The

VCDR and VCCR distinguish between those who are nationals or permanently reside in the country, and those who are not. Tourists and others who come to Israel on a short-term visit are not permitted to be employed by foreign missions.

4.12.2 In the event that a Mission intends to employ as a local employee a national of its country who does not live in Israel, the Mission is requested to send a note verbale to the Official Passports and Visas Department in the Foreign Ministry Consular Affairs Bureau with full personal details of that person such as: family name, first name, father's and mother's name, previous name, country of birth, date of birth, occupation, family status, passport number, date of issue, and date of expiration, previous nationality (if any), as well as data about his/her future job in the Mission, its duration and the name of the person whom he/she is going to replace. In the event that the request is approved, the Consular Affairs Bureau will instruct the respective Israeli Mission in the country in which the visa will be granted for a limited period of time. After the person arrives in Israel, the Mission has to send the passport to the Consular Affairs Bureau in order to obtain a B-1 visa with a work permit. Reciprocity will be taken into account.

4.12.3 The Missions are not requested to report to the Protocol Department regarding the recruitment or dismissal of locally engaged personnel, but has to send to the Department once a year, during the month of January, a list of local staff who were engaged by the Mission during the course of the previous year, even in cases where the engagement was for a limited period of time. The list has to include the full names of the persons, their addresses, the numbers of their Israeli ID cards or foreign passports, as well as other details. The ALS-1 form must be attached.

4.12.4 It is highly recommended that a Mission, while intending to employ a locally recruited person, concludes with him/her an employment contract, taking into account among other matters the obligation to respect the provisions of Israeli labor and social laws, such as national minimum wages, the minimum age for employment, as well as working hours, overtime work, vacations, holidays and holiday entitlement, provision in the event of illness, etc.

In addition, the Mission, when concluding the contract, must take into account the time limitation of a maximum of five years for foreign employees in Israel.

4.12.5 Local staff are not entitled to privileges and/or immunities, and are subject to local laws:

a. The Protocol Department does not supply them with identity cards.

b. Local staff are required to pay local income tax on their salaries, as well as other taxes according to Israeli law. They are themselves responsible for fulfilling their obligation to pay the taxes.

ALS – 1

List of Local Personnel

(in the Mission and in residences of staff members)

Mission: _____

Date: _____

Family Name	First Name	Marital Status	Place and Date of Birth	Function and Initial date of Employment	Nationality	Identity Card No.	Private Address and Telephone No.

4.13 Foreign Domestic Service Employees (FDSE)

The procedure concerning employment of FDSEs has been regulated by the Foreign Ministry Consular Affairs Bureau in a brochure attached to a Note Verbale No. 29/04 of June 2004 and amended subsequently by three additional notes verbale.

The following is the full and updated version of this policy:

Ministry of Foreign Affairs, Consular Affairs Bureau

The Ministry of Foreign Affairs, Consular Affairs Bureau, presents its compliments to the Heads of the Diplomatic and Consular Missions and International Organizations, and has the honor to inform them of the revised policy concerning the bringing into Israel, and the employment of foreign domestic service personnel by members of Diplomatic Missions, Consular Posts and International Organizations.

The issue of foreign workers, whether legal or illegal, preoccupies governments, employers, trade unions and other organizations throughout the world. With the rapid increase in foreign workers and the growing economic impact of globalization, this issue is of increasing concern to the Israeli public and its institutions.

The Ministry has revised its policy following a considerable number of cases in which foreign domestic service employees abandoned their employers and remained illegally in Israel. In some cases, they have brought their families over from their original countries as tourists, with the intention of enabling them to stay in Israel, and even bring up children there. As a result, these persons become an encumbrance upon the public order as well as a burden for the local authorities and law enforcement institutions.

The Ministry cannot disregard the fact that in many cases, the aforementioned problems have been caused by the failure of employers to respect their obligations. The policy revision is designed to reestablish the procedures relating to employment of foreign domestic service personnel and to clarify the obligations of employers and their domestic personnel at official Foreign Missions in Israel, and may prevent future inconvenience.

This Note Verbale supersedes all previous Note Verbales concerning the employment of foreign domestic service employees, and it enters into force upon its publication.

The Ministry requests that the contents of this Note Verbale be brought to the attention of all the staff of Diplomatic and Consular Missions and International Organizations in Israel.

The Ministry of Foreign Affairs, Consular Affairs Bureau, avails itself of this opportunity to renew to the Heads of the Diplomatic and Consular Missions and International Organizations the assurances of its highest consideration.

Jerusalem, June 2004

4.13.1 Definitions

Foreign Domestic Service Employee (FDSE):

A. Can be either a national of the sending State of the employer, or from any other country. Citizens from countries whose entry into Israel is restricted are excluded, and also citizens and residents of Israel.

B. The worker must be paid directly by the employer or by the Mission.

C. The employee must work in the Mission or at the employer's residence.

4.13.2 Categories of Officials who may bring a FDSE into Israel

Ambassadors, other members of the diplomatic staff, members of administrative and technical staff bearing diplomatic or official passports, career consular officers, and Heads of International Organizations.

4.13.3 Number of FDSEs permitted

A. Only envoys accredited to the Head of State may bring into Israel a maximum of three FDSEs.

B. Diplomatic agents of the rank of Minister, Chargé d'Affaires (en pied), Consul General (Head of Consulate General) and Heads of International Organizations may bring into Israel a maximum of two FDSEs.

C. Other eligible staff members may bring into Israel one FDSE.

D. The Ministry refers to Article 11 of the Vienna Convention on Diplomatic Relations (1961) which states:…"the receiving State may require that the size of a Mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular Mission."

E. The Head of Mission, possessing responsibility for all activities of the Mission, also has to discharge responsibilities towards the State of Israel, and should, therefore, ensure that the contents of the above paragraph are carried out by the members of his or her staff.

4.13.4 Terms of Employment

A. Foreign Missions and members of their staff employing FDSEs must respect the relevant laws of the State of Israel concerning employment conditions, including terms relating to age, wages, health insurance, social benefits, accommodation, hours of work, etc. The obligation to respect the above terms must be specified in a written contract signed by the employer and the employee.

B. A member of a Foreign Mission who brings an FDSE to Israel must be aware that during the stay of the FDSE in Israel, the member is fully responsible for the FDSE and his or her well-being (from the moment of entry until departure), including the employee's medical expenses. Therefore, the Ministry urges employers to provide full insurance coverage for FDSEs covering all risks of illness and hospitalization upon their arrival in Israel. In view of previous regrettable experiences and high medical charges, the Ministry wishes to clarify that the State of Israel and other public institutions will not cover medical and other expenses incurred by the FDSE, and that the responsibility for those expenses must be borne by the employer and the Mission.

C. The prospective FDSE is obliged to undergo a medical examination in his or her home country prior to departure. The examination has to be approved by a medical doctor who is recognized by the local Israeli diplomatic or consular mission. An FDSE who does not meet the requirements of the medical examination will not be able to receive a visa.

D. 1. In general, an FDSE may stay in Israel for a period that corresponds with the period of time that his or her employer performs his/her duties in the Foreign Mission. However, the Ministry of Interior, as a general rule, limits a foreign worker's stay in Israel to a maximum of five years.

2. In any case, where employment of the FDSE is terminated for any reason, but the FDSE still holds a valid work visa, the Mission which employs him/her must immediately provide the Consular Affairs Bureau the following:

a) the date of termination of employment;

b) the reason for termination of employment;

c) a photocopy of the flight ticket departing Israel;

d) the passport (in order to cancel the visa).

Non-compliance with these conditions may prevent the providing of future working permits for the same employer.

3. A. In view of the above and in order to facilitate in exceptional cases the extension of the five-year limit, when:

a) the FDSE was initially employed by an eligible staff member for a period of less than three years from the day of his/her entry to Israel and was then employed in a residence of a particular Head of Mission (See 4.13.3.A) or,

b) continuously, from the day of his/her entry to Israel, has been working at a residence of an eligible staff member,

the Foreign Ministry Consular Affairs Bureau has been authorized to extend the working permit of the FDSE for an additional period beyond five years until his/her particular employer's termination of duties in Israel with the limit specified in 4.13.9 below.

4. Applications for such exceptional cases have to be forwarded by the Mission to the Consular Affairs Bureau with a copy to the Protocol Department by means of a note verbale explaining the circumstances of the particular case to which a Declaration (APP. F-3), duly signed by the Head of Mission, must be attached. Without this document, the application will not be dealt with. As well, a special visa application form has to be attached to the application signed by the FDSE (APP. F-4).

E. According to the regulations of the Ministry of Interior, an FDSE is forbidden to bring into Israel, neither upon his/her entry nor at a later stage, close relatives for purposes of a visit or employment [A close relative is considered to be: spouse, children, sister, brother, parents], or to establish a family during his/her stay in Israel. The breaking of this rule will lead to termination of the employment and the FDSE's immediate return to his/her country of origin.

F. The transfer of an FDSE to another employer is permitted if both the parties requesting the transfer have respected the terms and conditions of the previous contract. In

cases of transfer, the employee will not be allowed to receive any extensions beyond five years from the date of the first term of employment unless he is employed by a Head of Mission (as per paragraph 4.13.4 D(3)a). The new employer must apply to the Foreign Ministry Consular Affairs Bureau (see paragraph No. 4.13.6, Step Six, B) and enclose a statement signed by the former employer attesting to the release of the employee as well as a new undertaking.

G. An employer may change an FDSE on the condition that the previous foreign worker has completed the contract and has left Israel.

H. The Ministry of Interior has agreed to approve the employment of an FDSE who originally entered Israel to work as a care assistant and who received a B/1 visa in his/her passport at one of the Israeli missions. For this to apply, the following conditions must be met:

1. The FDSE has worked as a care assistant and has spent less than 3 years in Israel;
2. The FDSE has received written confirmation from his/her employer regarding the termination of the care assistant position, and the FDSE has notified the Ministry of Interior of this fact. Furthermore, the FDSE received a B/2 visa, enabling him/her to seek a new employer.
3. The arrangement will remain in force for a period of five years, from the date of the FDSE's original entry into Israel.

I. In order to avoid any misunderstandings, the Ministry clarifies that it will not consent to the employment of an FDSE in a Foreign Mission if he/she:

1. Stays in Israel as a tourist;
2. Stays in Israel illegally;
3. Was employed as an FDSE or in any other capacity in Israel and left the country.

J. In view of many irregular cases which have occurred lately in relation to the previous paragraph, the Ministry wishes to recall that paragraph 1 of Article 41 of the VCDR states the following:

> "without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State."

K. The Ministry will not recognize as an FDSE a person who is a close relative of the employer or the employer's spouse. As stated above, a close relative is considered to be a spouse, children, sister, brother, parents.

4.13.5 Requirements

The following requirements must be satisfied, prior to the issuing of an entry visa for an FDSE:

A. The future employer must be eligible for an FDSE;

B. The future employer must not exceed the limit in regard to the number of foreign domestic service personnel allowed;

C. The future employee must be eligible to work in Israel in accordance with Israeli labor legislation;

D. The future employee must satisfy the requirements of a medical examination, in accordance with Israeli standards;

E. The length of stay requested for the future employee must not exceed the period of stay established under this policy;

F. The employer and future employee must respect their obligations and terms of previous contracts;

G. The future employee may not be accompanied by dependents or family members, may not bring them at a later stage of his or her stay in Israel (see 4.13.4.E), and may not establish a family during his/her stay in Israel.

4.13.6 Step-by-step procedure for the employment of FDSEs

Step One: The future employer who is eligible for an FDSE, and whose appointment has been approved by his or her country, has to fill out the form (APP. F-1) which should be attached to a note verbale sent to the Foreign Ministry Consular Affairs Bureau by the employer's Mission, and which also includes the employer's undertaking (APP. F-2).

Step Two: Once it has checked the application and is satisfied, the Consular Affairs Bureau will provide authorization to the relevant Israeli Mission to go through with the visa process, irrespective of whether the country has a visa exemption agreement.

The future FDSE has to submit the following documents to the Israeli Mission:

A. A visa application form;

B. A medical examination approved by a doctor who is recognized by the Israeli Mission or by the local Ministry of Health or by a doctor from a hospital that is recognized by the Israeli Mission;

C. A police clearance document certifying the absence of a criminal record;

D. The passport of the FDSE.

Step Three: Once all the above requirements are fulfilled, the relevant Israeli Mission will grant a special visa that is valid for one month and for one entry into Israel. The prospective FDSE has to enter Israel within a month from the date the visa was issued.

Step Four: After the arrival of the FDSE in Israel, the employer is requested to immediately purchase an all risk insurance policy for a period of one year (The insurance policy has to be extended continuously for the entire period of the FDSE's stay in Israel). In addition, the employer should apply, by means of a note verbale, for an extension of the visa for a period of up to one year.

The following documents must be attached to the note verbale:

A. The undertaking of the employer (APP. F.2);

B. A copy of the medical insurance policy (valid for one year);

C. A special visa application form (including two photos of the FDSE);

D. The passport of the FDSE valid for at least the duration of his/her employment in Israel.

Step Five: At least one month before the visa expires, the employer's Mission may request a renewal of the visa by means of a note verbale. A new visa application form must be attached to the note verbale together with the passport of the FDSE and a renewed valid insurance policy.

Step Six: Termination of Employment

A. Prior to the termination of the employment of an FDSE, the Official Passport and Visa Department of the Consular Affairs Bureau should be informed a minimum of two weeks in advance by means of a note verbale. It should also receive details of the arrangements made for the employee's departure from Israel. His or her passport must be presented to the Visa Section in order to cancel the visa.

B. Upon termination of the employer's tour of duty, the FDSE must leave Israel no later than the date that the employer departs the country, or prior to this date. The FDSE may not stay in Israel after the employer has left the country, unless he/she has been contracted by another foreign official eligible to employ an FDSE, and the worker has been approved by the Consular Affairs Bureau (on condition that the period of employment does not exceed the five year limit) - see 4.13.4.F.

C. The Consular Affairs Bureau wishes to refer to Article 10 (1) of the VCDR:

> "the Ministry of Foreign Affairs of the receiving State… shall be notified of… the arrival and final departure of private servants in the employ of persons… and the fact that they are leaving the employ of such persons."

In Article 10 (2), it is stated: "Where possible, prior notification of arrival and final departure shall be given."

4.13.7 Breach of Contract

A. An official who fails to respect the terms and conditions of the contract and other obligations as specified in this policy will not be allowed to employ another FDSE.

B. An FDSE who violates the terms and conditions of his/ her contract will not be permitted to change employers, and will be obliged to leave Israel without delay.

An FDSE who works illegally, outside his or her formal framework, may face immediate expulsion from Israel. **[An FDSE who received a visa from the Israel Ministry of Foreign Affairs in order to work at a Mission or for one of the Mission's staff members IS NOT permitted to work anywhere else or for anyone other than the sponsor who requested his/her employment.]**

An FDSE who violates the laws of the State of Israel may be brought to justice.

4.13.8 Reporting

Once a year, in the month of January, every Mission is requested to submit to the Consular Affairs Bureau, with a copy to the Protocol Department, a list of FDSEs employed by all the members of the staff of the Mission as per Annex APP. F-5.

4.13.9 Special Cases and Unforeseen Circumstances

Notwithstanding the rules of this policy, in the event of an unforeseen situation, and in exceptional cases (especially of a humanitarian nature), the Head of Mission may apply to the Consular Affairs Bureau to reconsider the case, which will be dealt with on its own merits. But whatever the special circumstances may be, and taking into account any of the above-mentioned exceptions, a foreign worker's stay in Israel may not exceed a period of ten years.

4.14 Social Security and Health Insurance

Israeli National Insurance Law does not include insurance for members of foreign missions. Therefore, members of Missions and their employees, who do not have an insurance made by their employers, are urged to insure themselves and their family members immediately after their arrival. In Israel, highly respected health services are available, but in case a person lacks proper insurance and has to cover the expenses by himself/herself, it might turn out to be very costly.

4.15 Miscellaneous

4.15.1 When a child is born in Israel, the medical institution in which the birth takes place is obliged to report it to the Regional Office of the Population Registry, Ministry of Interior (Mirsham ha-Toshavim). This applies also to members of foreign missions in Israel who have to fill out the form "Notification of Birth." Exact instructions regarding the procedure may be obtained from the hospital or by the Ministry of Interior in cases of naming the newborn baby after leaving the hospital.

The parents may apply to the above office for a birth certificate which will be given gratis. It is possible to request a birth certificate in two languages: Hebrew and English.

A similar procedure applies if a death occurs and a death certificate is requested.

4.15.2 Reporting

Once a year, the Protocol Department requests the foreign missions to submit reports regarding the following categories of staff members and employees:

1. List of Diplomatic and Consular Personnel and Their Families – APP. F-6.
2. List of Administrative and Technical Personnel and Their Families – APP. F-7.
3. List of Local Personnel – ALS-1.
4. List of FDSEs Employed by the Members of Staff of the Mission – APP. F-5.

APP. F-1

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM
Consular Affairs Bureau

Official Visa Application

Surname _____ Maiden Name _____

First Name _____ Father's Name _____

Place of Birth _____ Date of Birth _____
Date Month Year

Personal Status: ❑ Single ❑ Married ❑ Divorced ❑ Widow(er)

Citizenship _____ Previous Citizenship _____

Permanent Residence _____
Country City Street No.

Passport No. _____ ❑ Diplomatic ❑ Service ❑ Special

Issued at_____on _____ Valid Until _____

_____

Name and Address of Employer or Business Contact in Israel: _____

_____

_____

Purpose of Stay in Israel _____

Date of Entry _____ Port of Entry _____

Length of Stay _____ Address in Israel _____

_____

Accompanied by _____

Dates of Previous Stays in Israel _____

Note: If the applicant is (or was) a resident or a citizen of Israel, please state Identity Number _____

_____ _____ _____
Applicant's Signature Date Place

APP. F–2

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM
Embassy/Consulate-General of _____
In Israel

Undertaking

I, the undersigned, undertake to:

1. Request the renewal of Mr./Mrs./Ms. _____'s visa, one month before it expires, if I wish to continue his/her employment;

2. Guarantee that the employee will not work or seek part/full time employment outside this designated undertaking;

3. Provide full medical insurance for the term of employment;

4. Inform the Official Passport and Visa Department, Ministry of Foreign Affairs, upon the termination, for whatever reason, of his/her employment and guarantee his/her departure upon termination of my tour of duty in Israel;

5. Provide an airline ticket for the above-mentioned person to his/her country of citizenship or permanent residence, upon termination of the period of employment, if he/she is unable to pay for transportation out of Israel;

6. Inform the Official Passport and Visa Department, Ministry of Foreign Affairs, of the date and Flight No. of his/her departure from Israel, and submit the passport for cancellation of the visa.

_____	_____	_____
Date	Name	Signature

APP. F-3

Declaration

1. The Mission of (country) _____ in Israel, represented by the Head of Mission (name) _____ assumes responsibility for ensuring that the Foreign Domestic Service Employee (FDSE) (name) _____ Passport No. _____ Citizen of _____ who is employed in the household of

   ❑ Head of Mission

   ❑ Member of the Mission

   (Name) _____ will leave Israel, at the very latest, by the termination of function in the Mission or the above-mentioned Head of Mission or staff member, and by the time that the Head of Mission or staff member leaves Israel.

2. In the event that the FDSE does not fulfill the above conditions, the sending State, through the Mission of (country) _____ and the Head of Mission, will take responsibility for any problems that arise.

_____	_____	_____
Name of Head or Deputy Head of Mission	Rank	Signature Embassy Stamp:

APP. F-4

MINISTRY OF FOREIGN AFFAIRS
JERUSALEM
Consular Affairs Bureau

Special Work Visa Application

(For exceptional cases of work as FDSEs in Israel)

Surname _____ Maiden Name _____

First Name _____ Father's Name _____

Place of Birth _____ Date of Birth _____
Date Month Year

Personal Status: ❑ Single ❑ Married ❑ Divorced ❑Widow(er)

Citizenship _____ Previous Citizenship _____

Permanent Residence _____
Country City Street No.

Passport No. _____on _____ Valid Until _____

Applicant's Official Status _____

_____

_____

Name and Address of Employer or Business Contact in Israel _____

_____

_____

Purpose of Stay in Israel _____

1st Date of Entry into Israel _____ Port of Entry _____

Length of Stay _____ Address in Israel _____

_____

Dates of Previous Stays in Israel _____

Declaration:

1. I undertake that I will not demand the status of Israeli citizenship, in view of my employment as a Foreign Domestic Service Employee in a foreign Mission in Israel.

2. As well, I declare that none of my family members stay in Israel and will be coming to Israel until the end of my stay in Israel. Furthermore, I am aware of the term that in case that in this period I shall establish a family in Israel it will lead to the termination of my employment as an FDSE and my immediate return to my country of origin.

_____	_____	_____
Applicant's Signature	Date	Place

A. List of Foreign Domestic Service Employees Employed by the Members of the Staff of the Mission

Mission: _____

Date: _____

Name of Employer	Rank of Employer	Employer's Private Address	FDSE's full name	Citizenship	Arrival date in Israel	Passport Number	Visa Number and Validity

B. List of Foreign Domestic Service Employees Employed in the Mission

Mission: _____

Date: _____

Name of Employer	Rank of Employer	Employer's Private Address	FDSE's full name	Citizenship	Arrival date in Israel	Passport Number	Visa Number and Validity

APP. F-6

List of Diplomatic and Consular Personnel and Their Families

Mission: _____

Date: _____

Family Name	First Name	Marital Status & No. of children	Function – date of taking up post	Type & No. of Passport	M.F.A Identity Card No.	Private Address and Telephone No.

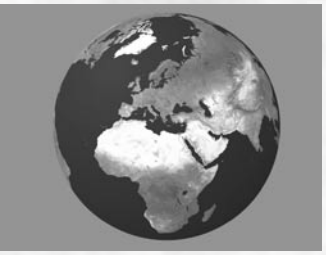
APP. F-7

List of Administrative and Technical Personnel and Their Families

Mission: _____

Date: _____

Family Name	First Name	Marital Status & No. of children	Function – date of taking up post	Type & No. of Passport	M.F.A Identity Card No.	Private Address and Telephone No.



5 Immunity

5.1 Introduction

Immunity is one of the fundamental bases of diplomatic practice. Besides being complex, it is a matter that is often dealt with by the Protocol Departments in Ministries of Foreign Affairs around the globe, as well as by the Foreign Missions and their staffs.

The term is in many cases misunderstood not only by the general public and by law enforcement personnel, but also by the diplomatic community itself. Therefore, this chapter will attempt to explain the principles as well as the routine applications of diplomatic immunity.

5.2 The International Conventions

The Vienna Convention on Diplomatic Relations – 1961 (VCDR) and the Vienna Convention on Consular Relations – 1963 (VCCR) are two basic pillars which serve as the basis of today's diplomatic and consular practices. They formalize and codify the practical as well as customary rules for diplomatic and consular immunities and privileges.

These conventions outline the general universal framework. Each adhering State provides its own degree of interpretation and procedural patterns of implementation according to local legislation and practice with respect to the different terms which were not clearly set in the conventions. Israel is a signatory to the VCDR and, while not ratifying the VCCR, acts generally in accordance with the VCCR's principles.

5.3 The VCDR does not cover the personnel of the different international organizations. Israel, being a member of the United Nations, adheres to its obligations under "The Convention on the Principles and Immunities of the United Nations" adopted by the General Assembly on February 13, 1946, as well as various bilateral and multilateral agreements to which Israel is a party.

5.4 When we come to analyze the spirit, the aims, and the intentions of these conventions, we cannot omit quoting from the VCDR:

> "Realizing that the purpose of such privileges and immunities is not to benefit individuals but to assure the efficient performance of the functions of diplomatic missions as representing States."

5.4.1 As well, it must be remembered that the privilege of immunity **belongs to the official's sending State** and not to the individual diplomatic agent, who acts as the representative of his/her country, and, therefore, the sending State must provide the diplomatic agent and his/her approved members of family with a passport (diplomatic, service, or official according to his/her assignment), as well as the other usual instruments of accreditation.

5.4.2 Respecting the Local Law and Non-interference in Internal Affairs:

Article 41(1) of the VCDR and Article 55(1) of the VCCR state:

> "Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State."

5.5 Immunity from Criminal Jurisdiction

5.5.1 Members of Diplomatic Missions and members of their approved and accredited families, in accordance with articles 31 and 37 of the VCDR are entitled to immunity from criminal jurisdiction. If it is suspected that a crime, a violation or an offense have been committed by a privileged person, the Police or the Public Prosecutor's office may pursue the case until the moment when the person's immunity is certified by the Ministry of Foreign Affairs.

The Ministry may take appropriate steps against privileged persons whose behavior is incompatible with their status or who commit serious offenses.

5.5.2 The term "diplomatic immunity" is sometimes erroneously interpreted as meaning that the persons who enjoy this privilege are "above the law," and that the laws of the receiving country do not relate to them. But this assumption is wrong. Diplomatic immunity does not restrict the applicability of Israeli legislation, but gives immunity from lawsuit or exemption from local jurisdiction. In other words, immunity is not a license to violate the local laws or commit crimes.

5.5.3 According to Article 31(4) of the VCDR – "the immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State," which may, however, waive his/her immunity in certain cases in order to enable the receiving State to prosecute him/her (Article 32).

Such instances have occurred in different countries in grave cases committed by a privileged individual which had nothing to do with his/her official duties.

5.6 The Legal Status of Immunities and Privileges in Israel

5.6.1 The privileges and immunities granted to the staff members of diplomatic missions, consular posts, and international organizations in Israel are based on the VCDR and the VCCR. The VCDR was ratified by Israel on 11 August 1970 and entered into force in Israel on 10 September 1970.

Israel did not ratify the VCCR and both conventions were never approved by the Knesset (the Israeli Parliament) as a part of the local legislation which would give the relevant provisions of the conventions the force of law. Therefore, the courts are likely to consider cases brought before them in light of customary international law, as long as it does not contradict the local law, under the principle that "the Law of Nations…is held to be a part of the Law of the Land."

5.7 Immunity

5.7.1 Under the provisions of the VCDR, the following persons enjoy a certain degree of immunity from jurisdiction to various degrees:

A. **Diplomatic agents and members of their family** nominated and accepted as part of their households (Articles 31-37);

B. **Members of the administrative and technical staff and their families** nominated and accepted as part of their households (Articles 31 and 37.2). Immunity from civil jurisdiction of the receiving State does not apply to acts committed outside the exercise of their functions;

C. **Members of the service staff** of the Mission who are not nationals of or permanently resident in Israel. Immunity is given for acts accomplished in the exercise of their functions (Articles 31 and 37.3).

5.7.2 Under the provisions of the VCCR, the following persons enjoy a certain degree of immunity from jurisdiction:

A) consular officers and consular employees, including honorary foreign officers, with respect to acts performed in the exercises of their consular functions, (Articles 43, 58.2, and 71.1);

B) honorary consular officers who are citizens of Israel or those who are permanently resident, for official acts accomplished in the exercise of their consular functions (Article 71.1).

5.8 Inviolability

Article 29 of the VCDR states:

> "The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity."

5.8.1 Under the provisions of the Convention, the following are inviolable:

A. the Mission premises (Article 22);

B. its archives and documents (Article 24);

C. its official correspondence (Article 27.2);

D. the diplomatic bag (Article 27.5) – (See also chapter 7.5 Airport Passes);

E. the persons of the diplomatic agents, the members of the administrative and technical staff as well as the members of the family nominated and accepted as part of the households (Articles 29 and 37.1-2);

F. the private residences of diplomatic agents and members of the administrative and technical staff, their documents, their correspondence and their property (Articles 30 and 37.1-2);

G a diplomatic agent and members of his or her family crossing Israeli territory to take up or return to his/her post, or to return to his/her own country (Article 40.1).

5.8.2 Under the provisions of the VCCR, the following are inviolable:

A. the consular premises (Article 31.2);

B. the consular archives and documents (Articles 33 and 61);

C. the official correspondence of the consular post (Article 35.2);

D. the consular courier (Article 35.5) – (See also chapter 7.5 Airport Passes);

E. the consular officers, to a limited extent, (Article 41); in case of consular officers who are nationals or permanently resident in Israel, they are granted immunity from jurisdiction and personal inviolability only with respect to official acts performed in the exercise of their consular functions (Article 71.1).

5.9 Do's and Don'ts

5.9.1 Persons enjoying diplomatic/consular privileges and immunities are expected:

A. to respect the Israeli laws and regulations (Articles 41 VCDR, 55 VCCR);

B. not to practice for personal profit any professional or commercial activity (Articles 42 VCDR, 57 VCCR);

C. not to interfere in the internal affairs of Israel (Article 55 VCCR);

D. not to use the premises of diplomatic or consular missions or residences of members of the staff of the Missions for purposes in any manner incompatible with the exercise of the functions of the Mission;

E. not to take advantage of their immunity, particularly when they are involved in cases dealing with non-privileged persons with whom differences may occasionally arise, and which cannot be resolved by local courts of law.

5.9.2 In the case of other provisions concluded in agreements or international treaties on diplomatic or consular privileges and immunities between Israel and other countries, provisions of these treaties or agreements shall prevail.

5.9.3 Dealing with diplomatic immunity poses problems for law enforcement officers, particularly in cases where public security is in imminent danger, or it is apparent that a serious crime has been committed or is going to occur. In such cases, the police or other law enforcement personnel will intervene to the extent necessary to prevent or halt such activity.

5.10 Immunity from Civil Jurisdiction

5.10.1 It is inevitable that disputes and claims of a civil and financial character occur between privileged personnel and the local population, which may even reach local courts. Such proceedings may be two-sided; either the privileged person makes a claim against a local person or a legal body, or a local person or a legal body makes a claim against a privileged person. Each of these cases has a different way of proceeding. But before entering into a detailed discussion about this issue, it is very important to quote the following:

> *Resolution adopted by the Vienna Conference at its 12th plenary meeting held on 14 April 1961*
>
> *The United Nations Conference on Diplomatic Intercourse and Immunities,*
> *"Consideration of Civil Claims"*
>
> *Taking note* that the Vienna Convention on Diplomatic Relations adopted by the Conference provides for immunity from the jurisdiction of the receiving State of members of the diplomatic mission of the sending State,
>
> *Recalling* that such immunity may be waived by the sending State,
>
> *Recalling further* the statement made in the Preamble to the Convention that the purpose of such immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions,
>
> *Mindful* of the deep concern expressed during the deliberations of the Conference that claims of diplomatic immunity might, in certain cases, deprive persons in the receiving State of remedies to which they are entitled by law,

Recommends that the sending State should waive the immunity of members of its diplomatic mission in respect of civil claims of persons in the receiving State when this can be done without impending the performance of the functions of the mission, and that, when immunity is not waived, the sending State should use its best endeavours to bring about a just settlement of the claims."

5.10.2 As questions arise from time to time about payment by foreign representatives of different taxes and dues, we wish to draw the attention to Article 23 of the VCDR stipulating the exemption from all national, regional, or municipal taxes in respect of the premises of the Mission **other than such as representing payment for specific services rendered.**

5.10.3 Diplomatic missions and consular posts do not have a distinct legal status and they act as representatives of their sending State. Hence, in case of legal proceedings they have to be taken against the sending State, which may as well claim immunity of jurisdiction, which is within the competence of the judicial power to decide as to its applicability or inapplicability.

5.11 Immunities (Civil) – Diplomatic Agents

5.11.1 According to Article 31 of the VCDR, a diplomatic agent enjoys immunity from criminal as well as civil and administrative jurisdiction, except in the case of:

A. a real action relating to a privately owned property situated in the territory of the receiving State;

B. a lawsuit relating to an inheritance in which the diplomatic agent is involved as a private person, not on behalf of the sending State;

C. a lawsuit concerning professional or commercial activity conducted by the diplomatic agent outside his official functions.

5.11.2 In spite of his/her privileged status and the fact that he/she is not obliged to give evidence as a witness, a diplomatic agent, a consular officer or a member of the administrative and technical staff can be summoned in a civil affair.

5.11.3 It is highly advisable that in case such a person is summoned by local courts or other authorities, he/she should not ignore them because he/she might be sentenced in absentia and a conviction might have very unpleasant consequences, such as being included in the records of "wanted" persons, seizure of bank accounts, etc. Therefore, the advice and even intervention of a local lawyer may be very necessary. In the event that a member of the Mission receives a summons or a notice of conviction, the Mission should inform the Protocol Department without delay.

5.11.4 It is appropriate to stress here that, due to the separation of powers and independence of the judiciary in Israel, the Ministry's intervention in court proceedings is limited mainly to producing the level of accreditation and immunity of a foreign officer.

5.12 Immunities – Administrative and Technical Staff

The level of privileges and immunities accorded to foreign representatives varies according to their status. Members of the administrative and technical staff of the Mission, as well as their accredited families, shall enjoy immunity from civil and administrative jurisdiction only in reference to acts performed in the course of official duties.

5.13 Court Proceedings by a Privileged Person

5.13.1 The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction excludes him/her from invoking immunity from jurisdiction having a direct connection with the original claim.

5.13.2 In the case of serious debts or other financial or legal complications in which a foreign Mission or a privileged person is involved, the Ministry does its best to settle the issue by intervening through its channels.

5.14 Legal Proceedings

As mentioned above in this chapter, in the event that a privileged person is summoned or brought before a court of justice, a certificate stating his/her official status by the Minister of Foreign Affairs or a person authorized by him/her must be presented to the court in order to prove his/her entitlement to any privilege or immunity.

Diplomatic and Consular Privileges and Immunities from Criminal Jurisdiction[1]

Summary of Law Enforcement Aspects

Official Assignment		May Be Arrested or Detained	Residence May Be Entered Subject to Ordinary Procedures	May Be Issued Traffic Citation	May Be Subpoenaed as Witness	May Be Prosecuted	Accredited and Accepted Family Member
Diplomatic	Diplomatic Agent	No[2]	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No[2]	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Service Staff of the Mission and Family Members	Yes[3]	Yes	Yes	Yes	No – for official acts. Otherwise, yes.[3]	No immunity or inviolability.[3]
Consular	Career Consular Officers	Yes, if for a felony and pursuant to a warrant.[3]	Yes[4]	Yes	No – for official acts. Testimony may not be compelled in any case.	No – for official acts. Otherwise, yes.[3]	No immunity or inviolability.[3]
	Honorary Consular Officers	Yes	Yes	Yes	No – for official acts. Yes in all other cases.	No – for official acts. Otherwise, yes.	No immunity or inviolability.
	Consular Employees Service Staff of Consulates	Yes[3]	Yes	Yes	No – for official acts. Yes in all other cases.	No – for official acts. Otherwise, yes.[3]	No immunity or inviolability.[3]
International Organizations	International Organization Staff	Yes[5]	Yes[5]	Yes	No – for official acts. Yes in all other cases.	No – for official acts. Otherwise, yes.[5]	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No[2]	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	Yes	Yes	Yes	No – for official acts. Yes in all other cases.	No – for official acts. Otherwise, yes.	No immunity or inviolability.

(Endnotes)

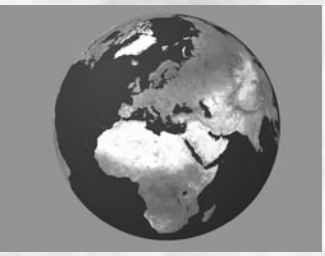
[1] Source: U.S. Department of State.

[2] Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

[3] This table presents general rules. Particularly in the cases indicated, the employees of certain foreign countries may enjoy **higher** levels of privileges and immunities on the basis of special bilateral agreements.

[4] Note that consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.

[5] A small number of senior officers are entitled to be treated identically to "diplomatic agents".



6 Identity Cards

6.1

The Protocol Department issues identity cards to Heads and members of Missions (Diplomatic, Consular, International Organizations) accredited in Israel and to members of their families over fifteen years of age, according to their assignment and passport, on the basis of:

1) Information provided in Form A-1: "Notification of Arrival / ID Application / Changes / Assignment Termination" (a copy of the form is forwarded by the Protocol Department to Customs authorities in the case of persons entitled to duty privileges).

2) The definition of their functions, taking into account the kind of passport issued to them by the sending State (diplomatic passport for the diplomatic agents and consular officers; service or official passport for members of administrative and technical staff); UN laissez passer for UN personnel.

In cases of doubt, the final assessment is determined by the Protocol Department.

The identity card is issued only to persons having the rank, status, and title recognized by international conventions and by Israeli practice, and who are substantially performing their official functions.

Applicants for an identity card must first receive from the Consular Affairs Bureau a visa which corresponds to their official functions in Israel. The granting of an entry visa or visa to stay in Israel is not a substitute for nor a confirmation of accreditation as a member of a Mission. Only the Protocol Department has the authority to give accreditation, following the Protocol Department's receiving an official communication from the respective Mission, accompanied by the documents mentioned below, their examination, and approval.

6.2 A. There are five categories of identity cards issued by the Protocol Department:

Category	Color	Status of the Holder
Diplomatic	White	Ambassador, Minister, Minister/Counsellor, First Counsellor, First, Second, and Third Secretaries, Attaché (different categories of Attachés) and Assistant Attaché, bearers of diplomatic passports, accredited as such to Israel, and members of their accepted and accredited families.
Consular	Orange	Officers of career Consular posts and members of their families holding diplomatic passports with the rank of Consul General, Consul, Vice-Consul, and their accepted and accredited spouses, and Honorary Consular officers.
Technical/ Administrative Staff of Diplomatic Missions	Blue	Technical/Administrative staff in Diplomatic Missions and their accepted families bearing service or official passports who do not perform diplomatic functions; other employees – as per bilateral agreements with different states.
Technical/ Administrative Staff of Career Consular Posts	Green	Staff of Consular posts bearing service or official passports and their accepted families; other staff members of Consular Posts holding diplomatic passports, but not having a recognized consular rank and title.
International Organizations	Yellow	Members of Missions of International Organizations and Agencies accredited to Israel; holders of diplomatic and official passports and/or Laissez Passés issued by the United Nations under provisions of special agreements.

B. The only Israeli citizens who receive ID cards from the Protocol Department are Honorary Consular officers. ID cards are not issued to locally employed staff nor to members of families who are Israeli citizens.

6.3.1 The ID Cards issued by the Protocol Department are the size of common credit cards and all five categories contain the following information in Hebrew and English: Serial number, first name and surname of the holder, date of birth, title/status including the Mission to which the person is assigned, last day of validity, date of issue, holder's photograph and signature, and signature of the Chief of Protocol.

On the reverse side of the card the quintessence of privileges and immunities of the holder and guidelines for initial behaviour of authorities in case of doubt or necessity appear in Hebrew, as follows:

6.3.2 On white (diplomatic personnel) and blue (technical and administrative staff of diplomatic missions) cards, the text, in accordance with Articles 29 and 31 of the VCDR, states as follows:

> The bearer of this document enjoys immunity from criminal jurisdiction according to international law and Israeli common law, and will not be liable to any form of arrest or detention.
>
> The bearer of this document is to be treated with due respect and all appropriate steps have to be taken to prevent any attack on his person, freedom or dignity.
>
> Inquiries and clarifications have to be referred to the Emergency and Crisis Management Center of the Ministry of Foreign Affairs, functioning around the clock, all days of the year, telephone number: (02) 5303155.
>
> The finder of this ID card is kindly requested to turn it over to a police station or to the Ministry of Foreign Affairs.

6.3.3 In view of the fact that the privileges and immunities vary in accordance with the assignment and status of the person as well as with the source of those privileges (conventions, bilateral agreements, etc.), on the reverse side of orange (Consular Officers) and green cards (Consular, Technical and Administrative Staff), the following text appears:

> The bearer of this document has been registered in the Ministry of Foreign Affairs and according to International Law and Israeli Common Law will not be liable to the jurisdiction of Israeli courts regarding acts exercised during his/her consular duties. Any question in regard to this immunity has to be brought before an appropriate court which will have to determine whether the immunity in this specific case exists or not.
>
> Inquiries and clarifications have to be referred to the Emergency and Crisis Management Center of the Ministry of Foreign Affairs functioning around the clock, all days of the year, telephone number (02) 5303155.
>
> The finder of this ID card is kindly requested to turn it over to a police station or to the Ministry of Foreign Affairs.

6.3.4 On the reverse side of the yellow card (representatives and staff members of International Organizations accredited in Israel), the following text appears:

> The bearer of this document has been registered in the Ministry of Foreign Affairs and according to International Law and Israeli Common Law will not be liable to the jurisdiction of Israeli courts regarding acts exercised during his official duties. Any question regarding this immunity has to be brought before an appropriate court which will have to determine whether the immunity in this specific case exists or not.
>
> The holder has to be treated with due respect and all the appropriate steps have to be taken to prevent any attack on his person, freedom, or dignity.

Inquiries and clarifications have to be referred to the Emergency and Crisis Management Centre of the Ministry of Foreign Affairs functioning around the clock, all days of the year, telephone number (02) 5303155.

The finder of this ID card is kindly requested to turn it over to a police station or to the Ministry of Foreign Affairs.

6.3.5 Family members receive ID cards whose category corresponds to that given to the sponsor. Only fully accepted and accredited "family members" are qualified to receive an identity card from the Protocol Department (See Chapter 4.6 Family Members).

6.3.6 In case the surname of a family member differs from that of the sponsor, in the ID card it will appear as is written in the holder's passport.

6.4 Validity of ID Cards

6.4.1 For members of Diplomatic and Consular Corps, Technical and Administrative Staff carrying diplomatic service or official passports and their families, the initial validity of the ID card is four years from the date of its issue or until the date of expiration of the passport, if it expires earlier than four years.

For employees of International Organizations: The Heads of Missions' ID cards are valid for a period that does not exceed two years; the other employees' ID cards are valid for a maximum of one year.

6.4.2 If the family of an officer joins him/her on a later date, the validity of the family's ID cards will not exceed the validity of the sponsor's card.

6.4.3 An ID card is not issued to persons whose assignment to Israel is shorter than six months.

6.5 Expiration of Card or Change of Status

6.5.1 The date on which the validity of the card expires is indicated on the card. Before this date an application (Form A-1) for renewal should be submitted to the Protocol Department for replacement.

6.5.2 The same procedure has to be taken in case of change of status or position of the officer. Please allow two working weeks for processing.

6.6 ID cards are issued only to eligible personnel whose residence is within the jurisdiction of the State of Israel. Nevertheless, a non-resident Ambassador or a non-resident Military Attaché may apply for an ID card.

6.7 Loss, Theft, Or Damage

6.7.1 The ID card for privileged personnel issued by the Protocol Department is an important document and if it falls into "undesirable" hands, it may cause unpleasant results for the bearer and his/her Mission. Therefore, the holders are kindly requested to keep them with care and to protect the cards from theft, loss, or damage.

6.7.2 In case of loss or theft of a card, this must be reported immediately to the police and a request for a replacement, including information regarding the circumstance of the loss, must be submitted to the Protocol Department.

Without a police report it is not possible to issue a new card. Please allow four working weeks for processing.

6.7.3 In case a lost or stolen card is found after a replacement has been issued, the retrieved ID card has to be returned to the Protocol Department without delay.

6.7.4 Damaged card: A note verbale has to be submitted asking for the issuing of a new card; the damaged card has to be attached to the request. Please allow two working weeks for processing.

6.8 Card Holders

6.8.1 Holders of all types of cards are advised to always carry them wherever they go and in case of necessity to prove their identity to civil, police, or military authorities, when asked to do so.

6.8.2 It is important to stress that according to Israeli legislation, every person has to bear an identity card at all times and if a privileged person cannot prove his/her status by presenting the identity card, he/she might place him/herself in a rather unpleasant situation. Presentation of the card to a representative of competent authority enables the holder to be treated with due respect.

6.8.3 Upon request, any privileged person is expected to present other documents such as a vehicle's registration papers, driving license, firearms permit, etc.

6.9 Return of ID Cards upon Termination of Assignment

The ID cards issued by the Protocol Department are the property of the Ministry of Foreign Affairs.

It is imperative to return the ID card of a member of Mission and his/her family to the Protocol Department upon termination of their assignment in Israel. The Mission is responsible for taking care of this procedure and, if it is not respected without any justifiable explanation, the issuing of new ID cards to the successor might be delayed or even suspended.

6.10 The ID card does not serve as a legal document in Israel. Its aim is to certify the status and position of its bearer, mainly for identification purposes, and, therefore, it does not confer any entitlement to immunity or privilege.

In case of the need to prove the legal position of a privileged person, such as in court procedures, it is necessary to present an official document signed by the Minister of Foreign Affairs or by an official authorized by him certifying the person's formal status of accreditation.

Form A-1

Ministry of Foreign Affairs
Protocol Department

- ❑ Notification of Arrival (in accordance with Article 10 of the Vienna Convention on Diplomatic Relations for members of staff of diplomatic missions and with Articles 10 and 11 of the Vienna Convention on Consular Relations for Consular Officers and Staff)
- ❑ ID Application
- ❑ Changes
- ❑ Assignment Termination
- ❑ Attached ID Card(s) upon Termination of assignment
- ❑ Attached Airport Permit upon termination of assignment

Name of the person being replaced in the Mission: _____

[Mark the relevant item/s].

Instructions:

1. Only one application form is necessary for the entire family.
2. Please submit two PRINTED copies of this form. Handwritten forms will NOT be processed.
3. For each family member above the age of 15, supply TWO recently taken passport photos (3x4 cm), one photo affixed to the form (one photo form per family member).
4. Each photo form should be signed by the family member (within the frame limits).
5. Enclose photocopies of ALL THE PAGES of ALL passports.

Name Of Mission	Type Of Mission	Date: (DD/MM/YY)

APPLICANT

Family Name (as appears in passport):		
First Name/s (as appears in passport):		
Title (as appears in passport):		
Function (as appears in passport):		
Passport Number:	Issued on: (DD/MM/YY)	Expires: (DD/MM/YY)
Passport Type:		
Date of Birth	Place of Birth (city + country)	
Sex:	Family Status:	Entry Date (DD/MM/YY):
Nationality:	Additional Nationality:	

SPOUSE

Family Name (as appears in passport):		
First Name/s (as appears in passport):		
Passport Number:	Passport Type:	
Issued on:	Expires:	
Nationality:	Additional Nationality:	Sex:
Date of Birth	Place of Birth (city + country)	

CHILDREN

Name	Sex	Passport Type & Number	Date (DD/MM/YY) & Place of Birth

ADDRESS & PHONE NUMBERS IN ISRAEL

(Residence, NOT Mission)

Street:	City:	Zip:
Tel:	Mobile:	

_____
Signature of Head of Mission

_____
Signature of Applicant

Photo Form

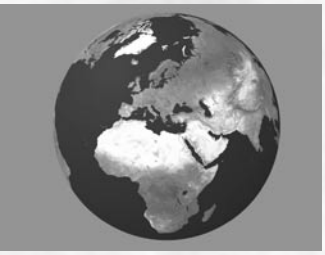
Please affix your photograph in the frame (marked photo) and sign your name with a black ballpoint pen in the signature frame.

Thank you for your cooperation.

First Name(s) _____ Last Name(s) _____

PHOTO

SIGNATURE
Please DO NOT exceed box limits



7 Airport Passes

7.1 Special permits are issued to a limited number of members of the Diplomatic and Consular Corps and Heads of International Organizations for the restricted areas of the Ben Gurion International Airport Terminal (BGIA), in order to enable the performance of official business such as meeting or seeing off cabinet ministers, high ranking officials, diplomats, and diplomatic couriers.

7.2 The issuance of the permits is within the jurisdiction of the Airports Authority in accordance with its rules and restrictions, and the permits are given to members of foreign Missions upon recommendation of the Protocol Department.

7.3 There are two kinds of permits:

A. Permanent (valid for a period of one year);

B. One time permits.

7.3 .1 Permanent Permits

A. The permits are given on a personal basis and under no circumstances can be transferred and/or used by a person other than the authorized holder. Failure to observe the Airports Authority's rules may lead to cancellation of the permit.

B. The following are the permanent permit categories:

Permit category indicated on the card	Limits of access	Entitlement	Number of permits per mission
BC	Departure including duty-free area till the exit gates. Arrival hall until passport control (which is not included).	Head of Mission and spouse only	2
C	Arrival hall until passport control.	Any member of Mission holding an ID Card issued by the Protocol Department.	3
M	Tarmac area + gates as well as BC areas (no driving permitted on the tarmac)	Couriers or drivers of Missions receiving courier diplomatic bags	2
M + CD Car number plate appears on the permit	Tarmac area + gates as well as BC areas and driving within permitted areas	Couriers or drivers of missions receiving diplomatic bags	(xxx)

(xxx) In principle, the permits for foreign Missions are issued to holders of official ID cards issued by the Protocol Department, but in particular cases a request may be placed for an "M" permit for a driver who works at a foreign Mission and is an Israeli citizen. In such a case, a special procedure has to be followed through the Protocol Department.

C. The requests for permanent permits are to be forwarded to the Protocol Department by means of a note verbale indicating the name of the person, his/her title, number of ID card and one photo. Please allow fifteen working days for processing the issuing of a new card.

D. In order to be admitted to the tarmac area with a vehicle, the holder of an "M+CD" car number permit must have a sticker placed on the windshield of the vehicle indicating the limits of areas in which he is permitted to move on the tarmac. The stickers are issued by the security unit of BGIA and distributed by the Protocol Department. In case of change or sale of the vehicle, the sticker has to be removed from the car and returned to the Protocol Department in order to receive a new sticker.

An applicant who requests an "M+CD" permit must undergo special training for driving in a tarmac area. The training is given by the Israel Airports Authority, in coordination with the Protocol Department. Applications that are not signed by the Officer in charge of Airport Safety will not be dealt with.

E. The permanent permit cards are the size of a common credit card and include the following data in Hebrew:

On-duty entrance permit to restricted areas of Ben Gurion International Airport (BGIA) and then one or more of the letters B, C, M. Valid till: day/month, photo of the holder, first name, and surname. Status and employer, for foreign officials Diplomat/name of country.

F. On the reverse side of the card there is a magnetic stripe with the following text in Hebrew:

"On-duty permit to restricted areas in BGIA. To be worn on dress lapel while remaining within the limits of restricted areas. Driving a vehicle on the tarmac without previous briefing is totally prohibited. The permit is for personal use of the holder and cannot be transferred to another person.The finder of the card is requested to return it to the nearest police station or to the Airports Authority, P.O.B. 7, Ben Gurion International Airport – 70100."

G. The carriers of permanent permits, while remaining within the airport terminal, carry their ID Cards (Diplomatic, Consular, etc.) in addition to their airport permits and are kindly asked to adhere to the security measures being taken at the terminal in order to ensure their personal safety as well as of all the other visitors and passengers.

H. **Renewal of Validity of Permanent Permits**

Remember to extend the validity of the permit. Permanent cards have to be renewed every year. The permits have to be renewed before the date of their expiration. The system is computerized and the validity of the card expires automatically at midnight of the indicated date and if the card has not been extended, the bearer will not be permitted to enter the restricted areas. The renewal takes place by updating the computerized data of the Airport, while the card itself is not replaced.

"M" Cards

The permanent cards are valid for one year from the date of their issue, excluding the "M" cards (courier), which are renewed automatically for an additional year on December the 15th of every year, unless instructed otherwise. The applications to renew the validity of the cards have to be submitted through the Protocol Department.

I. Holders of the permanent permits are strongly requested to guard them very carefully from loss or theft as it is obvious that such a permit in undesirable hands may have very serious security implications.

In case of loss or theft: present the Protocol Department with the police report detailing the circumstances of the loss or theft. Request is to be made for a replacement. A fine of 120 NIS is to be paid to the Airport Authority; the payment receipt is to be presented to the Protocol Department in order for the request to be processed. Allow three weeks for processing.

J. **Upon termination of the assignment** of the holder of the permit, it has to be immediately returned to the Protocol Department. Otherwise, a new permit for the successor will be refused.

K. If a card has been used for improper purposes, it will be cancelled and a new card will not be issued for the Mission without special investigation and high-ranking decisions.

7.3.2 One-time Permits

A. An accredited member of a Mission, bearer of an ID card issued by the Protocol Department, who does not possess a permanent BGIA permit, may apply for a one-time permit. Those permits are valid for the indicated date, from 00:01 hrs. until 24:00 hrs. and their limits of access are: the Arrival Hall until passport control; the Departure Hall until passport control.

B. The requests for a one-time permit have to be sent to the Protocol Department 48 hours in advance by fax or e-mail with the following data: full name of the person, ID card number, reason for request, date and hour of arrival/departure; flight number of the person/s being met or seen off.

C. In urgent cases during weekends, holidays or while the Protocol Department is not available, the requests should be sent to the Emergency and Crisis Management Center of the Ministry, telephone no. 02-5303155; fax no. 02-5303896; e-mail: matzav@mfa.gov.il.

D. The permit may be picked up at the Police special permits office at BGIA, on G (Ground) Floor, next to the main information desk.

7.4 Airport Checks for Privileged Persons

Please note the difference between: 1) security checks and 2) customs control.

7.4.1 Security Checks

In light of the well-known threats against civil aviation and the increasing sophistication used by different terrorist organizations, the Airport Authority is obliged to take necessary steps in order to ensure safe flights and landings of the aircrafts and their passengers. Those steps are sometimes unpleasant for the passengers, as for the authorities themselves, but they are vital. Therefore, all members of the Diplomatic and Consular Corps, as well as other privileged officials and their families, are kindly requested to patiently and fully comply with the security control measures prevailing at the airports. These include X-ray checks, the right of security officers to search a person for security purposes (regardless of the kind of passport he/she bears), luggage, and other belongings.

Remember, these measures should not be taken as a personal inconvenience, but rather as a precaution for YOUR personal security. Please remember that prohibited items in the

security restricted areas and on the aircraft will be confiscated (arms, toy arms, knives, scissors, sharp objects), so do not try to carry them with you on board or with your carry-on items and baggage. No passenger is allowed to board the plane with any cutting instruments, whatever the length of the blade, or items representing any kind of danger on board. These objects must be stowed in the baggage hold; otherwise they will be confiscated at the Airport Security Check.

Please take note that millions of passengers pass through Ben Gurion International Airport every year, a fact that compels the Airport Authority to recruit large numbers of security personnel in order to cope with such pressure and round-the-clock turnover. These security officers are trained to perform their duties with due respect, but the nature of these duties may infringe upon the privacy of a person. We, therefore, ask you to be patient, and remember that not everybody is acquainted with diplomatic courtesies and nuances. Nevertheless, in case of any proposals, recommendations, or complaints, please contact the Protocol Department, which will pass them on for the full attention of the relevant bodies.

7.4.2 Customs check inspections

Regarding customs inspections, the luggage of a diplomatic or consular official is exempt from checks. The only exceptions to this rule are if there are serious grounds to believe that the luggage contains prohibited goods or goods in quarantine, or if there are serious grounds to believe that the quantity of duty-free goods authorised is not respected. The check can only be made in the presence of the diplomatic official or a person authorised to represent him/her.

The luggage of administrative and technical staff is, however, subject to customs controls (Articles 37.2) of the VCDR). This is also the case for consular employees (Article 50.3) of the VCCR).

7.4.3 In case of State Visits of Heads of State or official visits of other high-ranking dignitaries, special arrangements are made to receive them according to their rank.

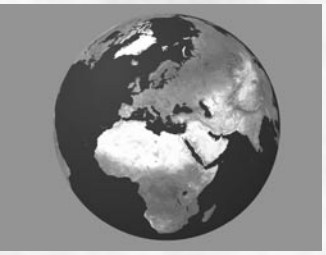
7.5 Diplomatic mail and couriers

7.5.1 Article 27 of the VCDR and Article 35 of the VCCR establish clear guidelines respecting the inviolability of diplomatic and consular official correspondence. Hence the diplomatic bags shall not be opened or detained at the airport or on their way from the Mission to the airport or vice versa. But it must be stressed that those bags must be sealed and bear visible external marks of their character, and may contain only documents or articles intended for official use. These consignments are not subject to safety control and custom inspection.

7.5.2 The diplomatic courier shall be provided with an official document issued by his sending State indicating his status and number of packages constituting the diplomatic/consular bag. He shall enjoy personal inviolability, but at the airport his person and private luggage are subject to normal security screening procedures.

7.5.3 As mentioned above in 7.3.1.B, there exist special permits for diplomatic couriers and drivers of Mission for the dispatching and collecting of diplomatic mail (whether accompanied or unaccompanied).

7.6 There is a **special parking lot** for CD vehicles at BGIA. See also 8.9.5.5.



8 Motor Vehicles

8.1 Purchase and Import

8.1.1 General Information

Diplomatic Missions, career Consular Posts, and International Organizations in Israel, as well as members of the Diplomatic and Consular Corps carrying diplomatic, service or official passports -- duly accredited as such by the Protocol Department which issued ID cards for them -- may import or purchase motor vehicles exempt from customs and other duties, within the framework detailed in this chapter.

8.1.2 Missions

The number of duty-free motor vehicles imported or purchased by a Diplomatic Mission, a career Consular Post, or a recognized International Organization for its official use shall be reasonable and commensurate with the size and needs of the Mission. Such motor vehicles should be imported or locally purchased exclusively for the official use of the Mission or its members holding diplomatic, service or official passports only and who are accredited in Israel.

8.1.3 Personnel

8.1.3.1 Heads and Members of Diplomatic Missions and career Consular Posts, holders of diplomatic passports and accredited in Israel, are permitted to import or locally purchase one duty-free motor vehicle. An additional motor vehicle may be purchased duty-free in cases where the member is accompanied by his or her spouse or a child of 18 years or older, for their exclusive use.

8.1.3.2 Staff Members of Diplomatic Missions or career Consular Posts, holders of service or official passports and accredited in Israel, are permitted to import or purchase only one duty-free motor vehicle, provided it is imported or purchased locally within six months from the date of their arrival in Israel. The registered owner of the vehicle must be the staff member (not a member of the family).

8.1.3.3 The above term, "locally purchased," includes vehicles purchased "passport to passport" duty-free from another diplomat or staff member of a foreign mission.

8.1.3.4 Persons entitled to the use of the Mission's Vehicles

It must be stressed that the vehicles mentioned in this chapter are for:

1. The personal use of the entitled staff members; or
2. For the members of their family; or
3. For the official use of the Mission. In case of local professional drivers employed by the Mission, they may drive the official vehicles of the Mission while on duty.

8.1.3.5 Leased vehicles – are not subject to any tax exemptions.

8.1.3.6 Armored Vehicles

Importation of armored vehicles is approved exclusively for Missions as such and not for particular staff members.

8.1.4 Israeli Standards

Imported cars whose owners intend to register them in Israel must meet all the standards required by the Licensing Division of the Ministry of Transport. Before obtaining the

local registration, vehicles must undergo the appropriate tests, in order to confirm that the vehicle meets the Israeli requirements for roadworthiness and safety. Irregular vehicles, such as right-hand drive, which do not meet the standards, may not be driven in Israel.

8.1.5 Application for Importing a Vehicle

8.1.5.1 Procedure

In order to obtain import duty and tax exemptions on motor vehicles, the Missions have to apply to the Protocol Department by means of a note verbale, **in four originals**, informing the following:

A. Name of the owner of the vehicle

B. Title/Rank

C. Passport No. or ID No. (issued by the Protocol Department)

D. Brand-producer

E. Type (sedan/jeep etc.)

F. Model

G. Color

H. Production Year

I. Engine Number

J. Serial Number

To the note verbale must be attached:

K. A copy of the compulsory third-party risk insurance policy

L. A copy of the owner's driving license

8.1.5.2 Two copies of the note verbale endorsed by the Protocol Department will be returned to the Mission:

- The first, for the tax authorities in order to obtain tax exemption documents;
- The second, to be presented to the Licensing Division, Ministry of Transport, in order to register the vehicle and to receive the vehicle license (rishayon rechev), as well as the official license plates (see further).

8.2 Registration, License plates, Annual Inspection

8.2.1 According to Israeli legislation, motor vehicles licensed to travel on Israeli public roads must be registered and possess a license plate as well as a vehicle license which is renewed annually, after the vehicle has passed an annual inspection (called the "test") at one of the companies which are authorized to examine and to confirm that the vehicle meets the Israeli requirements for roadworthiness and safety.

8.2.2 The abovementioned vehicle license has to be carried while the vehicle is traveling on public roads and must be presented upon request to authorized personnel (police, Ministry of Transport inspectors, etc.).

8.2.3 As mentioned above (8.1.5.2), after obtaining the tax-exemption documents,

the additional copy of the note verbale endorsed by the Protocol Department must be presented to the Licensing Division, Ministry of Transport, in order to register the vehicle and to obtain the official license plates.

Once all the necessary requirements have been fulfilled, the Licensing Division issues the registration document (vehicle license), as well as the official license plates.

8.2.4 License Plates

The Licensing Division will provide the appropriate license plates: CD plates for motor vehicles for the official use of the diplomatic Mission and staff members holding diplomatic passports and white ID cards or their professional drivers; CC plates to staff members of the Consular Posts, holders of diplomatic passports and of orange ID cards, or their drivers. Non-CD or non-CC white license plates will be issued to other categories of staff members holding service or official passports.

It is to be stressed that the abovementioned license plates are considered government property and they have to be returned to the Ministry of Transport as soon as the vehicle for which they were issued is sold, exported, or destroyed. The license plates may not be transferred from the vehicle to which they were assigned by the Licensing Division to another vehicle. Failure to observe these procedures may cause serious delays in issuing new license plates to the Mission.

8.2.5 Annual Inspections (''Test")

The inspections must be made annually but new cars, after being checked and registered, must undergo such inspection only after the second year of the vehicle's use. The inspection, which is carried out by private authorized companies, must be paid for by the interested Mission or staff member and the charges are set by the Ministry of Transport. Please note that the compulsory third party insurance forms a part of the annual inspection and vehicle registration process. Failing to complete the annual inspection may bring about the cancellation of the registration of the vehicle and additional procedural problems.

8.2.5.1 Tax Exemption

Foreign Missions and staff members duly accredited by the Protocol Department who possess vehicles with CD, CC, or white license plates are exempt from paying the government tax for the annual renewal of the vehicle license registration. In order to avoid any misunderstanding: this exemption does not apply to Honorary Consular Officers.

8.2.5.2 Lost or Stolen Vehicle License

The lost or stolen document should be reported without delay to the police and a duplicate may be obtained by applying directly to the Licensing Division which issued the original. Always keep a photocopy of the license with your records at home or at your office.

8.3 Vehicle Insurance

8.3.1 General Information

As previously mentioned, for each vehicle – before it is approved by the Protocol Department – a compulsory third-party risk insurance policy has to be presented and it must be purchased in Israel from one of the insurance companies. It is also very highly recommended that each car have a comprehensive collision all-risks insurance policy for the market value of the vehicle, including all the local duties and taxes regardless of its

duty-free cost, because in case of theft, "total loss," or very serious damage, the owner will not be able to buy another duty-free car and will have to pay the full price on the local market.

8.3.2 Compulsory Third-Party Insurance

It must be stressed that driving on public roads in Israel without having the compulsory third-party insurance is not only a serious offense, but in the event of an accident, it may carry very grave financial implications as a result of legal claims.

8.3.3 Territorial Coverage

Please be aware of the fact that the insurance policies normally cover the area of the State of Israel, but do not include the area of the Palestinian Authority. Therefore, staff members who intend to visit the latter have to take proper steps to ensure that the trip will be covered by the necessary insurance.

8.3.4 Driving a "Friend's" Car

A member of a foreign Mission or a member of his/her family who drives a vehicle which is not his/her own, must be sure that that car has valid third-party insurance. Failure to hold such insurance may lead to very serious consequences.

8.4 Driving Licenses

8.4.1 General Information

Every person who drives in Israel must possess a driving license, carry it at all times while driving a vehicle, and present it upon request to law enforcement authorities. Members of Diplomatic Missions, career Consular Posts, and International Organizations that have been accredited in Israel and own an ID card may use valid driving licenses from their home countries or valid international licenses for one year beginning from the date of their arrival in Israel; both licenses must be recognized by the Israeli Licensing Division of the Ministry of Transport as well as by the Police and insurance companies. A copy of the valid driver's license must be submitted to the Protocol Department while applying for importation and /or registration of the vehicle.

8.4.2 Exchange of Foreign or International Driving Licenses

The abovementioned foreign or international licenses may be exchanged for Israeli driving licenses within the first year, free of charge, with presentation of an ID card; as long as the original licenses are valid (expired licenses will not be accepted).

The procedure has to be conducted directly through the Licensing Division of the Ministry of Transport, and in keeping with prevailing regulations such as eye and physical capability tests, acquaintance with local road signs and other rules. The procedure applies **only to licenses for driving Category B vehicles.**

It is highly recommended to exchange foreign or international licenses for Israeli ones immediately after arrival in Israel in order to avoid problems in case of any road complications, accidents, or claims in which insurance companies and/or the police may be involved. For persons residing in the Central District Area, the exchange of foreign or international licenses for Israeli driving licenses takes place in the Licensing Division, Central District Area, Tel Giborim-Holon on Mondays and Wednesdays between 7:30 and 13:00.

8.4.3 New Drivers

Staff members of foreign missions and members of their families who arrive in Israel without driving licenses obtained abroad, but wish to obtain an Israeli license, must follow the procedure for an Israeli citizen or permanent resident.

8.4.4 Issue of Duplicate Driving Licenses

In case of loss, theft or damage of an Israeli driving license, a duplicate may be issued by the Licensing Division which issued the original license. The interested person must contact the Division and follow its instructions. Our advice is to keep a photocopy of the license in your office; this may ease the process of receiving the duplicate. This advice is valid not only regarding driving licenses but for all other carry-on documents, such as ID cards, credit cards, etc. belonging to the staff members and their families.

8.5 Purchase of Gasoline and Heavy Fuel (Soler)

Diplomatic Missions, career Consular Posts, and International Organizations and their staff members holding diplomatic, service, and official passports accredited by the Protocol Department, are entitled to purchase the following maximum gasoline quantities exempt from taxes for their motor vehicles per month:

- 600 liters for the official car used by the Head of Mission;
- 600 liters for an Embassy/Mission service car;
- 450 liters for a private car owned by a diplomatic agent or a consular officer and his/her family;
- 150 liters for the car of the holder of a service or official passport.

Furthermore, the Missions and their members are entitled to purchase reasonable quantities of duty-free heavy fuel (soler) for heating the Missions' premises and residences of their members.

Application for the purchase of duty-free gasoline and soler, duly signed by the Head of Mission or by the authorized officer, should be submitted to the Customs and V.A.T. Department on the appropriate form. The endorsed form will enable them to purchase the duty-free gasoline and soler coupons from the authorized oil companies.

8.6 Sale and tax payment

For the purpose of this chapter, we distinguish between two categories of motor vehicles:

1. New vehicles which are locally purchased;
2. Vehicles imported free of duties.

8.6.1 Sale of new vehicles which are locally purchased

These may be sold on the local market at any time without a minimal limit of time, after all the taxes have been paid (as calculated by Customs on the day of payment) according to the customs regulations in force at the time of the vehicle's sale, taking its "age" into account. The Mission or staff member who sells the vehicle has to transfer the ownership to the name of the buyer at the Licensing Division and the Mission has to inform the Protocol Department by means of a note verbale about the sale and tax payment, also confirming that the license plates have been returned.

8.6.2 Sale of imported vehicles.

Diplomatic Missions, career Consular Posts, and their members bearing diplomatic, service, or official passports who have been granted the tax free import of a motor vehicle, may sell it on the **local market** after a period of **at least two years** from the date it was registered in the name of the current owner. Customs duty and other dues are to be paid at the time of the sale. The process of the transfer of ownership and reporting to the Protocol Department – as per the previous paragraph (8.6.1).

If the vehicle is sold from one member of a foreign mission to another, the above limitation of two years does not apply.

8.6.3 A car which was imported by a Mission or one of its members and has reached the age of 12 years (in the case of International Organizations, 5 years) will not be allowed to be sold on the local market and has to be destroyed or taken out of the country.

8.6.4 No Tax Refund

A Mission or privileged staff member who purchased a used vehicle on the local market for which all taxes have been paid will not receive a refund on the taxes, because the tax exemption is always granted in advance and never by way of refund.

8.6.5 Special Tax Deduction on the Sale of a Vehicle

8.6.6.1 A private vehicle belonging to the **Head of Mission** or **a Mission's vehicle,** provided that the Mission or its Head did not enjoy any tax deductions over the past two years (after the evaluation of its depreciation – age of the vehicle has been done), will receive an additional "special deduction":

- After two years – 50%;
- After three years – 75%;
- After four years – 100%.

8.6.5.2 The above tax deductions will be based on full years from the date of the vehicle's registration. No deduction will be granted for parts of a year. In the case of a private vehicle belonging to the Head of Mission, the above deductions will be given only if the car has been registered in **his/her name** (not in that of his/her spouse).

8.6.5.3 A Head of Mission who terminates his/her Mission in Israel

His/her vehicle can be granted, by special authorization of the Customs authorities, 25% depreciation for tax calculations, provide that he/she used the motor vehicle for at least one **full** year. A request to that effect should be submitted in a note verbale to the Protocol Department with a copy of the vehicle license. The Protocol Department will provide a letter of recommendation to the Customs authorities.

8.6.5.4 Transfer to another Mission Member

A motor vehicle registered in the name of a Mission or its member, holding a diplomatic, service, or official passport and entitled to a diplomatic ID, may be transferred to a Mission or to any other entitled person at any time according to the following procedure:

1. The Mission concerned has to inform the Protocol Department about the transfer by means of a note verbale with a confirmation that the license plate has been returned to the Licensing Division (if the transfer has taken place within the same Mission, the license plate is not returned).

2. If the person or Mission to whom the vehicle is transferred is entitled to tax-free privileges, the procedure as detailed in previous paragraphs has to be followed.

8.7 Export

8.7.1 Motor vehicles owned by members of Diplomatic Missions or career Consular Posts may be exported from Israel at any time. A notification to this effect should be sent to:

1. The Ministry of Transport, Licensing Division.
2. The Customs authorities.
3. The Protocol Department, with a copy of the vehicle's license. The Mission is in charge of returning the vehicle's license plates to the Licensing Division.

8.7.2 Sale to a Non-Entitled Person

The sale to a non-entitled person of a vehicle – that belongs to a foreign Mission, a privileged staff member, or a member of his/her family – with the official license plate and without paying taxes is prohibited. It constitutes a serious security offense as well as an abuse of diplomatic/consular privileges, and may have very unpleasant consequences for the Mission and the concerned person.

8.8 Driving in Israel

8.8.1 General Remarks

The Ministry of Foreign Affairs expects all foreign Missions to comply with the laws of Israel. The Israeli Police is the law enforcement body charged to see, inter-alia, that the traffic laws are obeyed. In the cities, the inspectors appointed by the local authority are mainly in charge of supervising the parking arrangements. It must be remembered that the police officer or municipal inspector are not judges; their job is to enforce public order and to report to their superiors what they have seen or done.

8.8.2 Some Advice

Within the scope of this guide, it is not possible to list all the local traffic legislation and our soundest advice to a newcomer is, before he/she starts driving, to become acquainted with the basic traffic legislation and road signs. Please take the time to carefully read the following advice and you may prevent yourself from finding yourself in trouble:

- Stop at a "stop" sign – it is a must.
- Respect traffic lights – never cross at a red light.
- Keep a proper distance from the vehicle ahead of you.
- Never cross a solid white separation line.
- Do not speed – it is better to arrive a few minutes late than to end up in a hospital. Exceeding the speed limit is a serious traffic offense.
- All the passengers traveling in a vehicle **must** wear properly adjusted seatbelts. When driving cars with children under six years of age, use "child seats."
- While driving, always carry your ID card, driving license, car registration, and insurance policy.

- Never use a cellular phone without a hands-free apparatus (*diburit*) while driving.
- Keep a yellow vest in the cabin, in case of necessity.
- While driving, remember that when approaching a pedestrian crossing, the pedestrian always has the right of way to cross the street safely.

8.8.3 You and the Police

When you drive a car with "official" license plates (CD, CC, white), you must stop if requested by a law enforcement officer and present him/her with your ID card, driving license, vehicle license, and insurance policy. There have been cases where non-authorized persons have driven CD/CC cars, sometimes stolen, and it is the duty of the police officer to make sure that the person driving the vehicle is authorized and in condition to drive it. If a staff member of a foreign Mission drives a car without CD license plates and commits a traffic violation, the staff member must prove his/her immunity with his/her ID card.

8.8.4 Immunities in Case of Traffic Accidents or Violations

The following immunities are not automatic. In case of legal proceedings, the final decision is determined by the courts of justice.

8.8.4.1 Diplomatic Agents (White ID Card) and Senior Officers of International Organizations and their Dependents (Red UN Laissez-Passer)

Immunity from criminal and civil jurisdiction, but not from liability for reparation to the victim.

8.8.4.2 Administrative and Technical Staff of Diplomatic Missions and their Dependents (Blue ID Card)

A. If an accident or traffic violation occurs in the exercise of official duties, immunity from criminal and civil jurisdiction.

B. If the accident occurs outside official functions, immunity from criminal jurisdiction, but not from civil jurisdiction.

8.8.4.3 Service Staff of a Diplomatic Mission

A. If the accident or traffic violation occurs in the exercise of official duties, immunity from criminal and civil jurisdiction.

B. Outside official functions – no immunity.

8.8.4.4 Consular Officers and Members of Consular, Administrative, and Technical Staff (Orange and Green Card)

A. If there is an accident or traffic violation in the exercise of official duties – immunity from criminal jurisdiction, but no immunity from civil jurisdiction.

B. Outside official functions – no immunity.

8.8.4.5 Staff Members of International Organizations

A. If there is an accident or traffic violation in the exercise of official duties – immunity from criminal and civil jurisdiction.

B. Outside official functions – no immunity.

8.8.4.6 Family Members

Please note that family members of those staff members in categories 8.8.4.3/4/5 above, who do not perform official duties, do not enjoy any kind of immunity.

8.9 Driving Offenses

8.9.1 Reckless Driving

Reckless driving is a serious threat to public safety, and the diplomatic and consular community is expected to drive according to the law and to fully cooperate with police officers. Moreover, we wish to remind the reader that even those staff members and their families who enjoy full diplomatic, civil, and criminal immunity may not under any circumstances drive recklessly or under the influence of alcohol.

If a foreign Mission's car is involved in an accident, the car must stop, and upon request the driver must provide the driving license and insurance details to the other driver at the scene of the accident.

8.9.2 Traffic and Parking Infringements

In the event of a traffic offense committed by a foreign staff member, a police officer or municipal inspector may issue an immediate traffic or parking infringement report. The police officer or municipal inspector, as mentioned above, is neither a judge nor a lawyer; his/her duty is to report if somebody has failed to comply with traffic laws and regulations. Staff members, who repeatedly commit traffic violations and demonstrate unsafe driving practices, may have their licenses suspended or revoked. In severe cases, the Protocol Department may examine, together with the Head of the Mission, the measures to be taken against the person who committed the egregious offense.

8.9.3.1 Driving Under the Influence of Alcohol

Driving while under the influence of alcohol and/or drugs is considered to be a very serious offense in Israel, for which the maximum penalty is two years imprisonment and a fine of NIS 22,500. A privileged person who has committed such an offense may be asked to quit his/her post.

According to Israeli legislation, the maximum statutory level of alcohol in the blood is 0.5 g/per liter of blood. This constitutes an equivalent of approximately 2 pints of beer, or 3 glasses of wine, or 50 grams of brandy. If a person attends a party or a place where he/she might be served alcoholic beverages, and on such occasions he/she may pass the abovementioned limits of drinks, it is very highly recommended to leave the car at home and to use alternative means of transportation.

8.9.3.2 Tests, Immunities, and Public Safety

A police officer may stop any driver and ask him/her to submit to a breath analyzer test. Persons who enjoy full diplomatic immunity (white ID card) may refuse, but we hope that they will willingly comply in order to prove that they are not drunk.

It must be stressed that even in the cases of diplomatic agents, the police is obliged to prevent dangerous situations and may decide that it is not in the interest of public safety to permit him/her to continue driving; in such a case, arrangements will be made for the driver to safely arrive home by other means of transportation, or by summoning somebody else to drive him/her home.

8.9.3.3 Drugs

If the police authorities believe that a foreign Mission staff member (other than a diplomatic agent or his/her family members) may be driving under the influence of drugs, he/she may be escorted to a medical facility or to a hospital for the purpose of conducting a medical examination.

8.10 Parking

8.10.1 General Information

Members of Missions are requested to observe parking regulations: to park their vehicles exclusively where parking is permitted, and to duly pay the charges at parking meters and parking lots, because this constitutes a charge for specific services rendered. Illegal parking may cause unpleasant consequences to the owner of the vehicle and pose a danger, obstruction, or inconvenience to residents and other drivers.

8.10.2 Protocol Department Non-Intervention

The Protocol Department considers traffic and parking infringements not part of the exercise of official business, and therefore, does not intervene with police or local authorities to seek the cancellation of reports. Parking or traffic infringements must be settled directly with these authorities.

8.10.3 Municipalities

The Municipal authorities reserve a limited parking space near the entrance to the chanceries of the Missions, as well as near the residence of the Head of Mission. Such spaces are for the exclusive use of the abovementioned persons, and if somebody parks his/her car illegally at the reserved space, the car may be towed and will be subject to high fines. Missions must apply for a diplomatic parking place directly with the competent department of the Municipal Authority and inform the local Police station. Staff members may also apply to the relevant Municipal authorities for gratis parking permits in the area in which they live, upon providing evidence of their address, ID card, vehicle registration license, and driving license.

8.10.4 Parking for Visitors to the Ministry of Foreign Affairs, Jerusalem

8.10.4.1 Heads of Mission and Visiting Foreign Dignitaries

To be coordinated in advance with the hosting Division, and in case of foreign visiting dignitaries, with the Protocol Department. The entry with car/s into the inner yard is through the Protocol Entrance.

8.10.4.2 Parking Spaces around the Ministry

There are metered parking spaces along the pavement at the main entrance to the Ministry on Rabin Boulevard or on the other side of the Boulevard.

8.10.4.3 "Leom Parking"

There is a large indoor paid parking lot, called the "Leom Parking Lot," diagonally in front of the Ministry, with spaces for hundreds of cars. It is open around the clock (besides Saturdays and Jewish religious holidays). The entrance is near the bridge next to the Supreme Court. There is a gratis shuttle service to the Knesset and different ministries and offices around.

8.10.4.4 Parking during Official Receptions (National Days, etc.)

A Mission which organizes a National Day reception, has to coordinate well in advance the traffic and parking arrangements with the local police and with the Municipality.

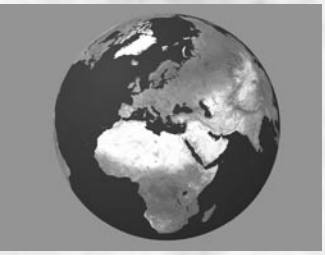
8.10.4.5 Parking for Diplomatic Vehicles at the Ben Gurion International Airport

There is a special gratis parking lot reserved for CD vehicles at the airport.

8.10.4.6 Towing

In general, the police avoid towing away vehicles with CD license plates, but towing in municipal areas is also carried out by the Municipal authority, and if circumstances require that the vehicle be removed due to its obstructing traffic, endangering public safety, or for security reasons (for instance, it is parked in a senseless or unreasonable place, and/or in a suspicious manner). In such cases, the owner must pay the cost of towing the vehicle away and for the charges levied for this special service rendered as per Article 34(e) of the VCDR.

The above refers to vehicles with CD license plates. Vehicles with CC license plates are not inviolable and may be towed, impounded, or booted in accordance with the law.



9 VISAS

9.1 Future members of the Diplomatic and Consular corps in Israel, as well as their family members accompanying them, who wish to enter Israel to assume their assignments, should obtain an appropriate entry visa from an Israeli Embassy, unless such a visa is not required according to a bilateral agreement.

The same procedure is to be taken in case a foreign dignitary or official, bearing an official passport, intends on visiting Israel on an official, business, or private visit.

9.2 Official Visas

The Minister of Foreign Affairs, or a person authorized by the Minister, is in charge of granting official visas. In Israel, they are given by the Official Passports and Visas Department of the Consular Affairs Bureau of the Ministry of Foreign Affairs, and abroad, by Israeli diplomatic missions and officers who are authorized to do so. As a general rule, Israeli Consular Posts are not authorized to issue official visas unless instructed otherwise.

9.3 Official Visa Categories and B-1 Visas

Two categories of official visas exist in Israel: diplomatic and service. These are given to bearers of diplomatic, service, or other official passports, as well as in cases in which a State does not issue official passports, but indicates in its national passports the rank and assignment of the bearer.

9.3.1 **A diplomatic visa** is given to a person who is designated to serve in Israel as a diplomatic agent or as a consular officer, as defined in the VCDR and VCCR, or who comes to Israel on an official mission, and to members of their families who bear diplomatic passports.

9.3.2 **A service visa** is given to staff members of diplomatic and consular Missions and to their families, bearers of service passports, or to a bearer of a service passport who comes to Israel on an official assignment or visit.

9.3.3 **A B-1 visa** is given to bearers of a national passport, who do not belong to the categories specified above, and are sent by their government as members of the domestic staff of the mission or as "local employees" (See Mission Personnel 4.12.2). A B-1 visa is also given to persons serving as FDSEs in the residences of members of the Mission.

9.3.4 The exact category of a visa is determined by the purpose/objective of the journey, and not by the category of the passport. For example: a bearer of a diplomatic passport who is traveling on a private visit to Israel shall receive a complimentary B-2 visit visa from one of the Israeli diplomatic or consular missions abroad, or while in Israel – if he/she wishes to extend the validity of the visa – from the Ministry of Interior.

9.4 General Remarks

9.4.1 Official visas are always given by the passports, and never as separate sheets.

9.4.2 Official visas are given gratis.

9.4.3 Generally, the visas given by an Israeli Mission abroad are valid for a period of three months, unless a bilateral arrangement or agreement exists between the two

countries, which indicates otherwise. After arrival in Israel, those visas are to be extended in the Consular Affairs Bureau.

9.5 Bilateral Agreements

Israel has signed specific agreements with many countries concerning the reciprocal waiving of visas. These agreements differ from each other: there are countries whose bearers of official passports are totally visa exempt; in other cases, this exemption is valid for diplomatic passports only; others do not need the visa for the first entry to Israel, but must apply for a visa within the first three months or so, according to the agreement between the countries. Each Mission knows the details of its agreement, and they are available at the Consular Affairs Bureau upon request.

9.6 Visas for UN Personnel

9.6.1 A diplomatic visa is granted to persons bearing a diplomatic UN (red) laissez-passer, the Secretary General, his/her senior assistants, as well as senior officials and heads of UN agencies.

9.6.2 The service visa is granted to UN personnel bearing a UN laissez-passer (blue), traveling to Israel on official duty.

9.6.3 Representatives or staff members of the UN or of one of its Specialized Agencies who travel to Israel for long or short term working purposes, but are not bearers of a UN laissez-passer, receive a service visa in the official or national passport of their country.

9.6.4 A person traveling to Israel on duty or on behalf of the UN and/or international organizations bearing a UN laissez-passer or national passport, must receive a visa in one of Israel's Missions abroad, even if there should be a waiving of visas agreement between Israel and the country of which he/she is a citizen.

9.6.5 A representative or staff member of the UN or one of its Specialized Agencies who travels to Israel on a private visit, has to enter Israel on his/her national passport.

9.7 Visas for foreign domestic service employees (FDSEs) in households of Mission members (See Mission Personnel 4.13).

9.8 Visas for construction or maintenance workers on a Mission's premises

If workers who arrive in Israel in order to execute works in foreign Missions carry an official passport, they will receive a visa accordingly. But if they bear an ordinary national passport, prior to their arrival, the Mission has to take steps and to see to it that their work in Israel is in compliance with the local labor legislation and they need to obtain a visa permitting them to do their jobs. (Also see Mission Personnel 4.12.1)

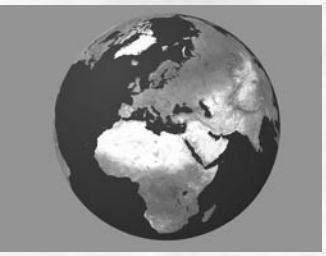
9.9 How to apply for an official visa

There are two official visa application forms:

9.9.1 The Official Visa Application Form – for members of foreign Missions and their families, dignitaries, and persons bearing official passports traveling to Israel on official business or private visits.

9.9.2 Visa Application Form – for UN personnel and for members of International Organizations.

9.9.3 The application form for an official visa in duplicate with one photo has to be presented to an Israeli Embassy accompanied by a note verbale. Applications to extend a visa for a person who is already in Israel have to be sent to the Consular Affairs Bureau



10 Taxation

10.1 The taxation system, in respect to Diplomatic Missions, career Consular Posts, and International Organizations accredited in Israel, is based on the standard principles of the VCDR, the VCCR, and the Convention on the Privileges and Immunities of the UN, as well as in particular cases of obligations under bilateral agreements.

10.2 As mentioned in 6.1 – Identity Cards, after a staff member of a foreign Mission has been accepted and accredited by the Protocol Department, and the issuance of an ID Card for him/her is approved, the Department forwards a copy of his/her "A-1 Form" to the Customs authorities; from that moment on, the staff member may personally or through a person authorized by him/her deal directly with the Customs authorities. Additional intervention by the Protocol Department takes place when the staff member wishes to import or purchase a motor vehicle (See 8.1.5 – Application for Importing a Vehicle). Besides the above, the Department does not get involved in routine matters, unless a special problem arises.

In exceptional cases, the principle of reciprocity may be implemented under circumstances of the restrictive application of agreements with respect to an Israeli Mission or its members (Article 47 of the VCDR).

10.3 Exemption from Customs Duties

10.3.1 In principle, Missions, their members with diplomatic status, career Consular Officers, and Heads of International Organizations holding diplomatic passports, are exempt from custom duties on imported or locally purchased articles for official as well as personal use.

10.3.2 Members of administrative or technical staff holding service or official passports (blue and green ID cards), and members of their accredited families, forming part of their respective households, are exempt from customs duties on one motor vehicle per family (See 8.1.3.2), on their personal and household effects, and on other articles imported or locally purchased during a period not exceeding six months from the date of their arrival in Israel [See Article 37(2) of the VCDR and Article 50(2) of the VCCR].

10.3.3 Imported articles may be subject to restrictions if the quantity of articles exceeds limits considered reasonable by the authorities. Furthermore, the meaning of "personal use" refers to the use by the above staff member and his/her immediate family who forms part of his/her household. Nevertheless, in certain cases special approval by the relevant authorities may be required (for example, firearms, communications equipment, medicines, etc.).

The exempted articles should not be sold or disposed of to non-privileged persons.

10.3.4 Locally purchased tax-exempt goods

Missions and their abovementioned members may acquire duty and tax free goods and alcoholic beverages from custom-bonded warehouses.

10.3.5 Members of the Diplomatic Missions, career Consular Posts, and International Organizations are entitled to import various duty-free foreign articles provided the invoices and import documents are drawn only in the name of the member and not in the name of an import company.

10.3.6 Applications for tax exemption should be signed by the Head of Mission and presented in duplicate to the Center Customs House, Diplomatic and Personal Import

Dept., 3A Israel Galili St., Rishon Le-Zion 75142, Tel: 03-9421706;
Fax: 03-9421704/17.

10.3.7 The Head of Mission is kindly requested to submit five originals with his/her signature to the Protocol Department in order to provide the Customs authorities with specimens of his/her signature.

In cases where the Head of the Diplomatic or Consular Mission wishes to authorize a senior officer of his/her staff to sign the application forms on his/her behalf, on the understanding that the Head of Mission assumes ultimate responsibility, the Head of Mission shall submit in writing such an authorization with the name and rank of the designated officer and a specimen of the latter's signature in five originals to the Protocol Department, which will forward the information to the Customs and VAT Department. The Head of Mission must submit a new authorization whenever the designated officer is changed.

10. 4 Exemption from income tax

Members of the Mission are exempt from paying income tax on the wages they receive for their official services.

The above exemption does not apply to income from employment outside the diplomatic or consular sphere, which is or was carried out in Israel. For example: a spouse of a foreign staff member who by virtue of a bilateral agreement is permitted to work in Israel.

10.5 Charges for specific services

Articles 34 of the VCDR and 49 of the VCCR refer to different dues and taxes from which privileged foreign staff members are exempt with few exceptions, one of them being "charges levied for specific services rendered." In this context, the municipalities in Israel charge the foreign Missions and their Heads who reside within their jurisdictions one-third of the normal amount paid by non-privileged inhabitants for different municipal services rendered by the municipality. Such services include: collection of household and street disposal waste, lighting, and street cleaning, parks, drainage, etc. VAT is not paid on municipal taxes.

As already mentioned in the chapter dealing with motor vehicles, if the municipal authority tows your car and you wish to have your car returned, you will first have to pay for this service rendered.

10.6 Customs check of private luggage of privileged staff members

See 7.4.2.

10.7 Purchase of duty-free gasoline and heavy fuel (soler)

See 8.5.

10.8 Radio and television licenses

Members of foreign Missions in Israel are exempt from paying the annual fee for radio and television licenses held in their premises.

10.9 Refunds of Value Added Tax (VAT)

10.9.1 According to Israeli legislation, the Value Added Tax is paid on all products and services and, therefore, there is no way to exempt the Missions and their accredited members from paying the VAT. But in order to comply with the provisions of the VCDR and VCCR, the VAT paid by them may be refunded under certain conditions.

10.9.2 **Missions**. Diplomatic Missions and career Consular Posts are entitled to a VAT refund for their purchases and for services received for **official purposes.**

The applications of **the Mission** should be submitted on a form supplied to the Missions directly by the Customs Office, signed by the Head of the Mission, and sent directly to the Customs Office, 5 Bank of Israel St., Jerusalem.

10.9.3 Staff members: individual claims

10.9.3.1 **Global Refund**. Diplomatic Staff (White ID Cards) and career Consular Officers who are bearers of diplomatic passports (Orange ID Cards) are entitled to a refund of VAT expenditures up to the equivalent in NIS of US $300 per year (US $75 per quarter) per family. A written declaration by the claimant should be submitted to the Protocol Department, endorsed by the Head of the Mission or an officer designated by him/her. In case of a "global refund," there is no need to attach any form or relevant invoices or receipts.

10.9.3.2 **Refund beyond US $300.** Staff members specified in 10.9.3.1 whose total payments of VAT exceed US $300 per year are required to submit receipts of their VAT payments, which will be refunded to the claimant up to the amount of US $500 per year per family, after submitting the VAT – 1A form (specimen attached) to the Protocol Department.

10.9.3.3 **Technical and administrative staff members (non-diplomatic)** possessing service or official passports (Blue or Green ID Cards) are entitled to a refund of VAT expenditures only during the first six months from the date of their sponsor's arrival in Israel, up to the equivalent of US $150 (as a "global refund") or up to US $250 per family upon submitting receipts to the Protocol Department.

10.9.4 **Claims should collectively be submitted** on behalf of the Missions and individual members in NIS to the Protocol Department on a quarterly basis in the following months: April, July, October and January. The dollar equivalent of NIS is calculated by the VAT Department of the Ministry of Finance.

Refunds are not retroactive for previous quarters. The claims must be submitted on time in the month that immediately follows the end of the quarter.

10.9.5 Administrative requests

1. VAT forms sent to the Protocol Department should be marked clearly on the envelopes **"VAT"**.
2. On the note verbale attached to the forms please indicate which months are covered by the VAT forms.
3. List the staff members in alphabetical order by family name, indicating also the ID number of the person.

Form VAT – 1A Application No. _____

Personal Application

(to be submitted in duplicate)

I, the undersigned, _____, ID No. _____

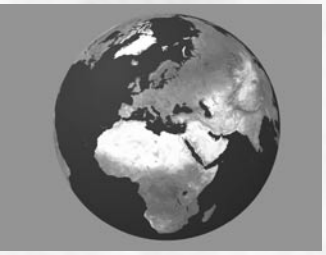
(full name and official title)

of the Embassy/Consulate-General of _____, do hereby request refund of Value Added Tax (VAT) paid in respect of the commodities and services specified below, in accordance with the guidelines of Chapter 10.9.

Enclosure No.	Date	Commodities and Services (quantity and brief description)	Price	VAT Paid

I herewith declare that the commodities and services listed above are intended for my personal use and have been or will be used in my household, in accordance with the provisions of the VAT regulations.

Date of Application: _____ Applicant's Signature: _____



11 Honorary Consular Posts

11.1 General Conditions

11.1.1 A consular post headed by an Honorary Consular Officer may be established by a sending State only with the prior consent of the Ministry of Foreign Affairs of the State of Israel.

11.1.2 The appointment of the Honorary Consular Officer is an inherent part of the process of establishment of an honorary consular post.

11.1.3 While considering the sending State's request, the Ministry will take into account:

A. Reciprocity and/or bilateral agreements.

B. A substantial demand for consular services in the district, such as the presence of a sizeable community of citizens of the sending State. Please indicate their numbers or other relevant reasons which may justify the opening of the post.

11.1.4 The Planned Seat of the Post

A. The honorary consular post shall have its seat in the district where the head of the honorary post has been admitted to exercise his functions as they appear in his/her Consular Commission issued by the sending State and by the Exequatur issued by Israeli authorities.

B. Only one honorary consular post will be approved for the same sending State in the same district.

C. The seat of an honorary consular post may not be approved in rural areas, and, in principle, should be placed in major cities.

D. The consular district, may be limited to a certain city, administrative district, or cover the entire country.

E. Its class: Honorary Consulate General, Honorary Consulate, Honorary Vice-Consulate, or Honorary Consular Agency. The appointment of an Honorary Consul General will depend on the existence of a special justification, a bilateral agreement, or on a basis of reciprocity.

F. In principle, the planned post should not overlap with that of the existing resident mission of the sending State which grants consular services unless it can be proved that the former's main task is granting specific services such as in academic, cultural, social, or economic fields, and the person who will be appointed to this post will be fully qualified to fulfill this requirement (See 11.2 for further information).

G. Any subsequent changes in the seat of the honorary consular post, its class, or consular district as well as any personal changes may only be made with the Ministry's consent. A mere notification by the Honorary Consular Officer himself/herself will not be accepted.

11.2 Honorary Consular Officer – Ad Personam

11.2.1 The Ministry presumes that a sending State and/or its Mission in Israel, before placing a formal request to appoint a person as an Honorary Consular Officer, has checked all the available information about the personality of the prospective candidate thoroughly; his/her integrity, reliability, social and economic position, and his/her capacity to exercise functions as its Honorary Consul in Israel.

Moreover, it is highly recommended to ascertain his/her relationship to the local authorities in the proposed district and his/her good working relationship with the authorities of the sending State.

11.2.2 Furthermore, the proposed candidate must be an Israeli citizen or its permanent resident; the proposed candidate may not be employed by the public sector, i.e. the State, local and/or religious authorities, State-owned corporations, and similar institutions.

11.2.3 The candidate must reside or have his/her principal place of business in or close to the district of his/her jurisdiction and the seat of the post.

11.3 Opening a new Honorary Consular Post

11.3.1 Through diplomatic channels, the sending State shall submit to the Protocol Department a proposal to open an honorary consular post in a district which so far was not represented. The note has to give answers to questions raised above in paragraphs 11.1.3.B, 11.1.4.

11.3.2 The Ministry will examine the request and might ask for additional clarifications. Once the opening of the post is confirmed by a note verbale, the sending State may start the proceedings of appointing the Honorary Consular Officer.

11.3.3 Personal Changes

In the event that the functions of an Honorary Consular Officer come to an end and the sending State wishes to replace him/her with another person within the same district and location and in the same class, there is no need to go through the procedure detailed in the above paragraphs. The procedure for appointing the new candidate is explained in 11.3.5.

11.3.4 Multiple Appointments as Honorary Consular Officer

In exceptional cases, two or more States may, with the consent of the Ministry of Foreign Affairs, appoint the same person to represent them in Israel in the capacity of Honorary Consular Officer.

11.3.5 Appointment of an Honorary Consular Officer

A. The sending State, after considering the terms detailed in 11.2 above, shall submit to the Protocol Department by means of a note verbale a proposal for the appointment of a given person as Honorary Consular Officer. The proposal has to contain his/her curriculum vitae (as detailed as possible), the class of post, the location, district and the exact address, including telephone number/s, fax, e-mail, and office hours of the proposed post. The Mission must also attach an extract form from the Official Population Registry – Ministry of the Interior (*"tamtzit mirsham hatoshavim"*) as well as a certificate of integrity, referred to as the "certificate of good conduct" (*"teudat yosher"*) of the candidate, issued by the Israel Police.

B The proposal is received and processed. Then, the candidate is summoned for a personal interview with the Chief of Protocol in the presence of an official of the relevant Regional Department of the Ministry of Foreign Affairs.

C. After undergoing an internal procedure within the Ministry of Foreign Affairs, the Mission is informed by means of a note verbale, whether the candidate has been

approved to serve as an Honorary Consular Officer in Israel and, if the decision is affirmative, the Ministry's readiness to accept his/her Consular Commission. The name, rank, and consular district must appear on the commission identical to those approved by the Ministry.

D. Based on the Ministry's longstanding experience, it is highly recommended that the term of duty of a new appointee should not exceed a period of five years, and if his/her performance satisfies the sending State, the appointment may be extended for an additional term/s (each term not exceeding five years). This extension shall take place though diplomatic channels, by means of an exchange of notes verbale (not written by the prospective Honorary Consul), without the need for a new Consular Commission.

E. Following acceptance of the Consular Commission an Exequatur is prepared, signed by the President of the State of Israel and the Minister of Foreign Affairs and the new Honorary Consular Officer is invited to the office of the Chief of Protocol, where at a modest ceremony in the presence of the Ambassador of the sending State and/or his/her representatives (Ministry officials or other guests), he/she receives the Exequatur, enabling him/her to begin his/her new assignment.

F. The Honorary Consular Officer is considered to have begun his/her duties on the date of receipt of the Exequatur. The Consular Commission, or similar instrument certifying the appointment together with its attachments, shall be returned by the Ministry, through diplomatic channels, to the Embassy of the sending State, or to the Honorary Consul himself/herself, if the sending State has no diplomatic mission in Israel.

G. The procedure for appointment and admittance, as detailed above, takes some time, and the person proposed for the appointment as Honorary Consular Officer may not himself/herself contact the Ministry, which, in this matter, will communicate with the competent authorities of the sending State.

H. In case of any changes in status, address, or other relevant data concerning the Honorary Consular post, they should be immediately notified to the Protocol Department.

I. The new Honorary Consular Officer must fill in the A-1 form and send it to the Protocol Department with a photograph in order to receive a consular ID card. He/she may also request that the number plate for his/her car (only one) be replaced with a white CC license plate. The car's registration number will not change.

J. In principle, the ID card given to an Honorary Consular Officer is valid for a period of five years, but in case his/her Consular Commission is limited for a shorter period of time, the validity of the ID card will not exceed this period.

K. The Honorary Consular Officer is requested to maintain his/her official consular correspondence separate from other papers and documents, in particular from his/her private correspondence, from any person working with him/her, and from the materials, books, or documents relating to his/her profession or trade (Article 61 of the VCCR). It is highly recommended to secure the office (documents, stamps, stationary) with appropriate security arrangements (physical and electronic) against intrusion/burglary.

L. The Honorary Consular Officer, when receiving his/her Exequatur/ID Card, will sign the following document:

Ministry Of Foreign Affairs

I _____ the undersigned, bearer of Israeli ID card No. _____, appointed as Honorary Consul _____ of _____ in _____, confirm receipt of my Exequatur as well as my ID card Number _____ issued by the Protocol Department of the Ministry of Foreign Affairs. I undertake, upon termination of my above appointment, to return the above ID card as well as the CC license plates of my car. In addition, I will remove any official signs identifying me with my former consular assignment from my office, and cease using any official stationary or other instruments which were in my use during my above assignment, and no longer present myself as Honorary Consul of _____.

Jerusalem, _____ _____

Date Signature

M. The aforementioned document will be done in three copies: one will be filed in the Protocol Department; the second will be sent to the Embassy or Ministry of Foreign Affairs of the sending State; and the third copy will be given to the Honorary Consular Officer concerned.

N. If an Honorary Consular Officer is replaced by another person, the Exequatur and the new appointee's ID card will not be presented until the replaced person returns his/her ID card and his/her car's license plates to the Protocol Department.

11.4 Facilities, Privileges, and Immunities

11.4.1 Without prejudice to the privileges and immunities enjoyed by Honorary Consular Officers, it is their duty to respect the laws and regulations of the State of Israel, and while performing their official consular functions they are not to interfere in internal affairs.

11.4.2 The flag and the coat of arms of the sending State may be displayed in the building in which the honorary consular post has its official premises, and at its main entrance.

11.4.3 The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

11.4.4 The Honorary Consular Officer may receive, as already mentioned a license plate for a vehicle which is registered in his/her name, for one car only. The use of a motor vehicle shall, under no circumstances, be considered a consular function.

11.4.5 Privileges and immunities accorded to Honorary Consular Officers are not accorded to members of their families.

11.4.6 The consular premises of a consular post, headed by an Honorary Consular Officer of which the sending State is the owner or the lessee, shall be exempt from dues and taxes other than those that represent payment for specific services rendered. (The lessee must be the State, not the Honorary Consular Officer, and so also the payment for it.)

11.4.7 The honorary consular post will be exempt from custom duties and taxes for articles intended for official use, such as coats of arms, flags, official printed matter, and similar articles supplied by the sending State to the consular post.

11.4.8 In the case where a sending State is not represented by a permanent diplomatic mission and the Honorary Consular Officer is its only representative in Israel and intends to host a reception in honor of the sending State's National Day, once a year, he/she may apply to the Protocol Department in order to purchase a reasonable quantity of duty-free alcoholic beverages for this purpose.

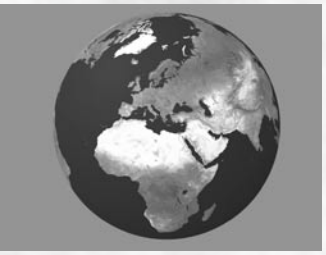
11.5 Termination of the Functions of an Honorary Consular Officer

11.5.1 When the appointment of an Honorary Consular Officer is for a limited period of time, as indicated in his/her Consular Commission and in the Exequatur, the functions of the person shall come to an end upon expiration of the above instruments. In such a

case, the Protocol Department will expect to receive a formal announcement confirming the above fact from the Embassy or Ministry of the sending State.

11.5.2 An Honorary Consular Officer who decides to resign must do so vis-à-vis the sending State, which, in turn, must notify the Protocol Department accordingly, providing the date of termination of duties of the Honorary Consular Officer and following the procedures mentioned in this chapter. The same procedure is to be followed if, for any reason, an Honorary Consular Officer has to quit, becomes a public servant, or the sending State decides to withdraw his/her appointment. In the event that an Honorary Consular Officer passes away, the Embassy should inform the Ministry as soon as possible.

11.5.3 In certain cases, the functions of an Honorary Consular Officer may come to an end upon notification by the Israeli Ministry of Foreign Affairs to the sending State. This may occur in exceptional cases, if the Honorary Consular Officer has acted against Israeli law or has engaged in activities which were incompatible with his/her position and/or functions as Honorary Consular Officer. According to the VCCR, in such cases the receiving State is not obliged to provide the sending State with reasons for its decision. Upon the termination of the functions of a head of an honorary consular post, the post shall also be considered closed, unless another Honorary Consular Officer has been appointed to replace the one whose functions were terminated.



12 Police, Security, Emergency, Premises Protection

12.1 **The Foreign Missions Section at the Interpol Branch of the Israel National Police Headquarters is** in charge of the liaison between the Police and the Missions – which include Diplomatic Missions, Consular Posts, United Nations, the International Red Cross, and the other international organizations operating in Israel.

The Section takes care, among other things, of:

1. Security problems of Embassies, Consular Posts, residences of Ambassadors, and security problems of their staff members, provided necessary precautions are taken by the above to avoid such problems;
2. Foreigners who are injured (in road accidents or terrorist attacks);
3. Foreigners who died in Israel (due to natural or other causes);
4. Locating missing foreigners;
5. Checking complaints, on behalf of foreign Missions or foreign citizens, against different police bodies;
6. Offenses carried out by foreign Missions;
7. Documents lost by members of foreign Missions.

12.2 If a Mission should have information about any planned demonstration or any possible disturbance, the local police should be immediately informed and/or the Protocol Department in order for the appropriate measures to be taken. Specific security measures concerning certain Missions are based on evaluations made by the Police.

12.3 Members of foreign Missions who intend to visit the **Temple Mount Area** in the **Old City of Jerusalem** are requested to coordinate the visit through the Protocol Department, which in turn, contacts the Police. This may prevent the kind of misunderstandings which have occurred in the past (the area is not always open to visits by the public, etc.)

12.4 The Police wishes to inform the members of Missions that within its responsibility to ensure security, it may tow, search, or carry out any act which is necessary from the professional point of view in the event that a vehicle is parked in suspicious circumstances (See 8.10.4.6).

12.5 Furthermore, it is recommended that the Missions appoint a member of their staff to be in contact with Police or security personnel.

12.6 Freedom of Movement

12.6.1 Article 26 of the VCDR relates to freedom of movement of members of Missions, except for zones prohibited for reasons of national security. Therefore, members of Missions are requested to take care to not enter military installations and other prohibited areas.

12.6.2 As far as crossing points between Israel and the territory under the control of the Palestinian Authority and identification, vehicle inspection, arms, etc. are concerned, specific instructions are distributed by the Protocol Department when necessary.

12.7 Criminal or Security Detention of Foreigners

On 1 January 2008, the responsibility for detention facilities in Israel was transferred from the Israel Police to the Israel Prison Service. Accordingly, the procedure has been changed for coordinating the visits of consuls with prisoners in the detention facilities.

According to the new procedure, while notification about the detention of foreign nationals will be given, as before, by the foreign missions desk of the Israel Police, the coordination of visits will be done directly by the consul vis-à-vis the representatives of the Israel Prison Service. The phone numbers are: 050-6278526 or 050-6279740.

12.8 Contact Information with the Police:

1. In case of Emergency call: 050-6782906 or 050-6277690.
2. Foreign Missions Section, National Police Headquarters, Jerusalem.

   Tel.: 02-5429162; Fax: 02-5429449.

   Officer in charge of the Section, Mobile: 050-6782906.
3. Officer for the Foreign Missions Section in the Tel Aviv area: 050-6276370.

Ambulance: 101.

Fire brigade: 102.

Ministry of Foreign Affairs, emergency number: 02-5303155.

12.9 Security of the Premises

12.9.1 In principle, the protection of foreign Missions is limited to the exterior of the premises, and is based on police patrols and evaluation taking into account that appropriate security measures have been taken internally.

Therefore, the Missions are urged, as any private householder should do, to install alarms, entry controls, etc., in order not to risk property loss due to criminal activity. The Police does not and is not able to provide any specific protection against burglaries or similar kinds of criminal activity committed against foreign Missions or their members.

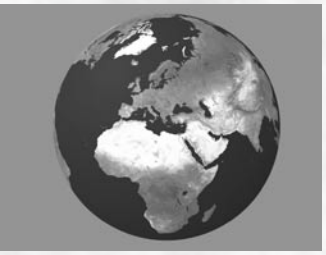
12.9.2 And finally, a few bits of advice:

Do consider contracting private security services. Always lock your home well; do not leave the doors unlocked, even if you are at home. Keep an eye on your keys, money, passports, and other documents, as well as your laptops, cellular phones, jewelry, and other valuables, and remember not to open your door to unexpected and unknown visitors.

In addition, do not forget to comprehensively insure the premises and their contents against burglary, intrusion, damage, fire, or attack.

12.10 Entrance to Public Places

Owing to the known security situation, checkpoints are situated at the entrance to malls, buildings, cinemas, restaurants, and other public places. In order to ensure the security of the public as much as possible, everyone is requested to undergo a personal search and/or screening. The general public understands this necessity and complies with this "intrusion" into their privacy. The same is expected from members of foreign Missions. Any person who insists on not undergoing the screening may be denied permission to enter the premises.

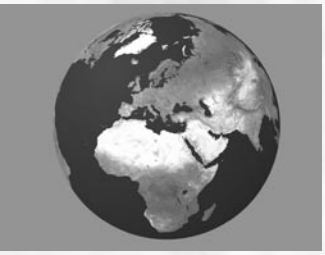


13 Premises

13.1 Offices or residences may be rented or purchased. A new staff member after seeing the available apartments, and after taking into account all personal preferences and considerations, should consult with experienced locals who are familiar and well-acquainted with the appropriateness of the location before making the final decision. It is very important, as well, to procure the services of a local lawyer in order to be guided on the terms of the contract. It might be useful to find out about the identity of your future neighbors. It is also very important to bear in mind the security aspect when choosing the residence – if the place is secure against break-ins and theft, and/or if it is possible to make proper arrangements to protect it physically with electronic alarms and other gadgets that would make a burglary difficult.

13.2 In addition, it is worthwhile to know that in certain residential areas the local authorities do not allow any businesses or offices. Furthermore, if you plan to make any structural changes, such as altering or enlarging the building, you will have to obtain permission from the local authorities. Therefore, before entering into any contractual commitment, it is highly recommended to check thoroughly with all the concerned bodies, and a lawyer's assistance is essential.

13.3 Finally, Article 41 of the VCDR states that the premises of the Mission must not be used in any manner incompatible with the function of the Mission. It is also understood that members of foreign Missions are expected to show consideration towards their neighbors (when parking, avoiding noisy parties, etc.).



14 Firearms

14.1 Generally, in Israel, a firearms license is given, in accordance with the Firearms Law 5709-1949, by the Licensing Authority, Ministry of the Interior. The license is issued to a particular person and is limited in time. Possession of a firearm without a license is a serious criminal offense.

14.2 A member of a foreign Mission, who is accredited by the Protocol Department and who possesses an ID card issued by the Department, may apply for a license to carry a firearm for self-defense or sport. If a staff member should wish to use a shotgun for hunting purposes, this possibility exists, but it requires a special procedure that is not included within this guide; details are available upon request at the Protocol Department.

14.3 The firearm may be purchased locally or imported. In case of importation, an import license is necessary. Details are available at the Protocol Department. A staff member who carries a licensed firearm in Israel and wishes to take it out of Israel must apply for an export license.

Licenses are issued for hand weapons (pistols and revolvers) for self-defense, and/or rifles for sporting purposes.

No automatic weapons are allowed. The license also indicates the quantity of ammunition allowed for the firearm, which may be locally purchased.

Please note that if you purchase the firearm locally from an authorized dealer, you have to first secure the deal, receive the firearm serial number and other necessary details to apply for the license; only after receiving all this will you be able to pick up the firearm from the dealer.

14.4 Licensing Procedures

14.4.1 Attached to this chapter is the application form for a firearms license for members of foreign Missions, which includes exact instructions on how to fill out the form, what to attach, and to whom to submit it. The application must be duly completed, with a justifiable purpose for owning a firearm approved by the Head of the Mission.

It must be stressed that the final decision on granting a license is made by the Ministry of the Interior, exercising its legitimate discretion.

14.4.2 Each license is limited for the specified purpose only (self-defense, sport).

14.4.3 A firearm's components (as well as its spare parts) are for the personal use of the bearer of the license only.

14.4.4 The owner of a firearm is not permitted to transfer it nor any of its components, spare parts, and ammunition to any person unless he/she has been authorized to do so by the Licensing Authority.

14.4.5 Training and practicing the use of a firearm are permitted only at a registered shooting range in accordance with prevailing standing orders.

14.5 It is the personal duty of the owner of the firearm to keep it, along with its components, accessories, spare parts, ammunition, and the license, in a safe and locked place and to prevent any other person access to them. It is strictly forbidden to leave the firearm and/or

its license in a vehicle and in any place that its owner does not have it with him/her. The firearm must be locked in an immobile place.

14.6 In case of an expired or cancelled license, the owner is obliged to deposit the firearm, together with its license and other components, at the nearest police station and to inform the Protocol Department accordingly.

14.7 In the event that you are to take an extended vacation, it is not advisable to leave the firearm in an unguarded residence, and, therefore, special arrangements should be made to deposit it in a police station or in a guarded armory/special location (if there is any) of the owner's Mission.

14.8 If the firearm is lost or stolen, it is the duty of the owner to immediately report this to the nearest police station and to the Protocol Department, which will forward the communication to the Licensing Authority, Ministry of the Interior.

14.9 In the event of a visit by a high-ranking foreign dignitary who might be accompanied by personal bodyguards originating from his/her country – this aspect must be dealt with by the person who coordinates his/her visit with the Official Guests Department of the Foreign Ministry.

The State of Israel

Ministry of the Interior

מדינת ישראל

משרד הפנים

Application for Firearms License

For Diplomat/Employee of Embassy/Mission.....

בקשה לרשיון לכלי ירייה

לדיפלומט/עובד שגרירות/נציגות.....

1. Please fill in all the required details in clear handwriting
   מלא את כל הפרטים הנדרשים בכתב יד ברור

2. Application must be submitted to the Protocol Department of the Ministry of Foreign Affairs
   את הבקשה יש להעביר למח' הטקס במשרד החוץ

3. Please attach the following documents to the application
   נא צרף לבקשה צילום המסמכים הבאים

   i. A photocopy of ID card issued by the Ministry of Foreign Affairs
      צילום תעודת זיהוי המונפקת ע"י משרד החוץ

   ii. A Diplomatic Note from the mission signed by an authorized representative
      איגרת הנציגות החתומה ע"י נציג מוסמך

   iii. A training certificate and a bill of purchase
      אימון + שטר מכר

   iv. Passport Photograph
      תמונת פספורט

Family Name שם משפחה	First Name שם פרטי	Foreign Minstry ID No. מס' ת"ז מטעם משרד החוץ	Passport No. מס' דרכון	Position תפקיד

Date of Birth תאריך לידה	Nationality אזרחות	Date of entry to Israel תאריך כניסה לארץ

Private Address מען פרטי	City ישוב	Street רחוב	No. מס'	Telephone טלפון

The details of the firearms

להלן פרטי כלי הירייה:

Type of firearm סוג כלי הירייה	The Manufacturer היצרן	Model דגם	Number of barrels מס' קנים	Diameter קוטר	Firearm No. מספר כלי הירי

Details of additional firearms in my possession

פרטים על כלי ירייה נוספים הנמצאים ברשותי:

Types of firearms סוג כלי הירייה	The Manufacturer היצרן	Model דגם	Number of barrels מס' קנים	Diameter קוטר	Firearm No. מספר כלי הירי

The purpose of the request מטרת הבקשה	The firearm was purchased from ממי נרכש כלי הירייה

Declaration:

I, the undersigned, hereby declare that I will act in accordance with the laws of the State of Israel in regard to the carrying of firearms.

On the completion of my duties, I undertake to return the license to the Protocol Department, Ministry of Foreign Affairs.

The firearm will be deposited in the mission, or a request to export it will be submitted in accordance with the regulations of the State of Israel.

הצהרה:

אני החתום מטה מצהיר בזה, כי אפעל על פי חוקי מדינת ישראל בכל הקשור לנשיאת כלי ירייה.

עם תום תפקידי, אני מתחייב להחזיר הרשיון למשרד החוץ, למח' הטקס.

הכלי יופקד בנציגות או תוגש בקשה לרשיון ליצואו מן הארץ על פי נוהלי מדינת ישראל.

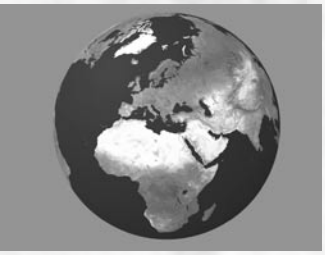
Date.....Signature of applicant.....

.....חתימת המבקש.....תאריך

Authorization of Head of Mission

אישור ראש הנציגות

Name.....Position.....Signature.....



15 Military Aircraft – Overflight and Landings

Naval Vessels – Visit – Diplomatic Clearance

15.1 Foreign military aircraft which intend to land in Israel or to fly over its territory need diplomatic clearance.

15.2 An application for the above has to be sent to the Protocol Department well in advance in order to obtain the necessary clearance from all the competent military and civil authorities involved. Missions which have a resident Military and/or Air Attaché should in parallel send a copy of the application to the IDF Liaison and Foreign Relations Unit.

15.3 Copies of the "Application Form for Foreign Military Aircraft Clearance" are available at the Protocol Department and at the abovementioned IDF unit. Please fill them out thoroughly and answer all the questions. The application form must be accompanied by a note verbale from the Embassy. Confirmation will be provided by the Protocol Department and will include the landing/overflight authorization code.

15.4 In urgent or emergency cases, at the time when the Protocol Department is closed, please contact the Ministry's Emergency and Crisis Management Center:
Tel.: (02)-5303155; fax: (02)-5303896

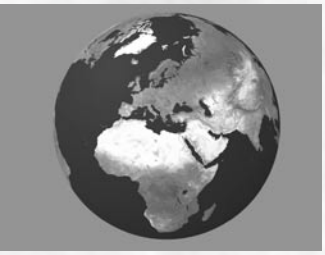
15.5 Applications have to be placed for each and every landing or overflight. The Israeli authorities do not grant any permanent, annual, or monthly permits.

15.6 Official visits of foreign VIPs

In the event that the VIP arrives by military aircraft, the person in charge of the visit at the Official Guests Department of the Foreign Ministry will take care of the diplomatic clearance.

15.7 Naval vessels

Similar procedures have to be taken in the event of a visit by a naval vessel in one of Israel's ports. The Embassy concerned has to give full details of the intended visit and data of the ship, its class, type name, purpose of visit, date of arrival/departure, name and rank of the ship's commander, and other relevant particulars.



16 Prohibited and Limited Imports and Exports

Members of foreign Missions must be aware of the fact that there are limitations and prohibitions as far as imports and exports are concerned. The following are some examples.

1. Import of forged/counterfeit or imitated monetary bills, banknotes, bonds, stocks, and securities – **prohibited**.
2. Forged or imitated goods – **prohibited.**
3. Export of antiquities.
4. Gold, cash, money. Information can be obtained from the Bank of Israel.
5. Export of cultural relics.
6. Fresh agricultural produce, including flowers, fruits, and meat.
7. Plants.
8. Animals, Pets. Quarantine – See section on the relevant Government Ministries at the Ben Gurion International Airport website.
9. Endangered species.
10. Arms and ammunition. Only with special permission from the Ministry of Defense and/or the Ministry of Interior.

UNITED NATIONS

CONVENTION
ON THE PRIVILEGES AND IMMUNITIES
OF THE UNITED NATIONS

Adopted by the General Assembly
of the United Nations
on 13 February 1946

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

Adopted by the General Assembly of the United Nations on 13 February 1946

Whereas Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercice of its functions and the fulfilment of its purposes and

Whereas Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization;

Consequently the General Assembly by a Resolution adopted on the 13 February 1946, approved the following Convention and proposed it for accession by each Member of the United Nations.

Article I

JURIDICTIONAL PERSONALITY

Section 1. The United Nations shall possess juridical personality. It shall have the capacity :

(a) to contract;

(b) to acquire and dispose of immovable and movable property;

(c) to institute legal proceedings.

Article II

PROPERTY, FUNDS AND ASSETS

Section 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3. The premises of the Untied Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) the United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

Section 6. In exercising its rights under section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Section 7. The United Nations, its assets, income and other property shall be :

(a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article III

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

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

Article IV

THE REPRESENTATIVES OF MEMBERS

Section 11. Representatives of Members to the principal and

subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities :

(a) immunity from personal arrest of detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(b) inviolability for all papers and documents;

(c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also

(g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12. In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Section 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a state for the discharge of their duties shall not be considered as periods of residence.

Section 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15. The provisions of sections 11, 12 and 13 are not applicables between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.

Section 16. In this article the expression "representatives" shall be

deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

Article V

OFFICIALS

Section 17. The Secretary-General will specify the categories of officials to which the provisions of this article and article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governements of all Members. The mames of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18. Officials of the United Nations shall :

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) be immune from national service obligations;

(d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;

(f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19. In addition to the immunities and privileges specified in section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themsleves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21. The United Nations shall cooperate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

Article VI

Experts on missions for the United Nations

Section 22. Experts (other than officials coming within the scope of article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded :

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(c) inviolability for all papers and documents;

(d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

Article VII

United Nations laissez-passer

Section 24. The United Nations may issue United Nations laissez-passer to its officials. These laissez-passers shall be recognized and accepted as valid travel documents by the authorities of Members, taking into account the provision of section 25.

Section 25. Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not be holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

Section 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passer on the business of the United Nations shall be granted

the same facilities as are accorded to diplomatic envoys.

Section 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

Article VIII

SETTLEMENT OF DISPUTES

Section 29. The United Nations shall make provisions for appropriate modes of settlement of :

(a) disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party;

(b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Artricle 65 of the Statue of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

Final article

Section 31. This convention is submitted to every Member of the United Nations for accession.

Section 32. Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the Convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Section 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Section 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this Convention.

Section 35. This Convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Section 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this Convention so far as that Member of those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

Vienna Convention on Consular Relations
1963

Done at Vienna on 24 April 1963. Entered into force on 19 March 1967.
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Vienna Convention on Consular Relations
Done at Vienna on 24 April 1963

The States Parties to the present Convention,

Recalling that consular relations have been established between peoples since ancient times,

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 promotion of friendly relations among nations,

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,

Believing that an international convention on consular relations, privileges and immunities would also contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of functions by consular posts on behalf of their respective States,

Affirming that the rules of customary international law continue to govern matters not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

Article 1
Definitions

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(*a*) "consular post" means any consulate-general, consulate, vice-consulate or consular agency;

(*b*) "consular district" means the area assigned to a consular post for the exercise of consular functions;

(*c*) "head of consular post" means the person charged with the duty of acting in that capacity;

(*d*) "consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;

(*e*) "consular employee" means any person employed in the administrative or technical service of a consular post;

(*f*) “member of the service staff” means any person employed in the domestic service of a consular post;

(*g*) “members of the consular post” means consular officers, consular employees and members of the service staff;

(*h*) “members of the consular staff” means consular officers, other than the head of a consular post, consular employees and members of the service staff;

(*i*) “member of the private staff” means a person who is employed exclusively in the private service of a member of the consular post;

(*j*) “consular premises” means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

(*k*) “consular archives” includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safe keeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officers, the provisions of Chapter III govern consular posts headed by honorary consular officers.

3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by article 71 of the present Convention.

CHAPTER I.
CONSULAR RELATIONS IN GENERAL
SECTION I. ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

Article 2
Establishment of consular relations

1. The establishment of consular relations between States takes place by mutual consent.

2. The consent given to the establishment of diplomatic relations between two States implies, unless otherwise stated, consent to the establishment of consular relations.

3. The severance of diplomatic relations shall not ipso facto involve the severance of consular relations.

Article 3
Exercise of consular functions

Consular functions are exercised by consular posts. They are also exercised by diplomatic missions in accordance with the provisions of the present Convention.

Article 4
Establishment of a consular post

1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

Article 5
Consular functions

Consular functions consist in:

(*a*) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

(*b*) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;

(*c*) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;

(*d*) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

(*e*) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(*f*) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(*g*) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending States in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

(*h*) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

(*i*) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;

(*j*) transmitting judicial and extrajudicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

(*k*) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;

(*l*) extending assistance to vessels and aircraft mentioned in subparagraph (*k*) of this article, and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen insofar as this may be authorized by the laws and regulations of the sending State;

(*m*) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

Article 6
Exercise of consular functions outside the consular district

A consular officer may, in special circumstances, with the consent of the receiving State, exercise his functions outside his consular district.

Article 7
Exercise of consular functions in a third State

The sending State may, after notifying the States concerned, entrust a consular post established in a particular State with the exercise of consular functions in another State, unless there is express objection by one of the States concerned.

Article 8
Exercise of consular functions on behalf of a third State

Upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State.

Article 9
Classes of heads of consular posts

1. Heads of consular posts are divided into four classes, namely

(*a*) consuls-general;

(*b*) consuls;

(*c*) vice-consuls;

(*d*) consular agents.

2. Paragraph 1 of this article in no way restricts the right of any of the Contracting Parties to fix the designation of consular officers other than the heads of consular posts.

Article 10
Appointment and admission of heads of consular posts

1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

2. Subject to the provisions of the present Convention, the formalities for the appointment and for the admission of the head of a consular post are determined by the laws, regulations and usages of the sending State and of the receiving State respectively.

Article 11
The consular commission or notification of appointment

1. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and

showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.

2. The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.

3. If the receiving State agrees, the sending State may, instead of a commission or similar instrument, send to the receiving State a notification containing the particulars required by paragraph 1 of this article.

Article 12
The exequatur

1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an *exequatur*, whatever the form of this authorization.

2. A State which refused to grant an *exequatur* is not obliged to give to the sending State reasons for such refusal.

3. Subject to the provisions of articles 13 and 15, the head of a consular post shall not enter upon his duties until he has received an *exequatur*.

Article 13
Provisional admission of heads of consular posts

Pending delivery of the *exequatur*, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of the present Convention shall apply.

Article 14
Notification to the authorities of the consular district

As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of the present Convention.

Article 15
Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post.

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular

post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent.

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post.

4. When, in the circumstances referred to in paragraph 1 of this article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities.

Article 16
Precedence as between heads of consular posts

1. Heads of consular posts shall rank in each class according to the date of the grant of the *exequatur*.

2. If, however, the head of a consular post before obtaining the *exequatur* is admitted to the exercise of his functions provisionally, his precedence shall be determined according to the date of the provisional admission; this precedence shall be maintained after the granting of the *exequatur*.

3. The order of precedence as between two or more heads of consular posts who obtained the *exequatur* or provisional admission on the same date shall be determined according to the dates on which their commissions or similar instruments or the notifications referred to in paragraph 3 of article 11 were presented to the receiving State.

4. Acting heads of posts shall rank after all heads of consular posts and, as between themselves, they shall rank according to the dates on which they assumed their functions as acting heads of posts as indicated in the notifications given under paragraph 2 of article 15.

5. Honorary consular officers who are heads of consular posts shall rank in each class after career heads of consular posts, in the order and according to the rules laid down in the foregoing paragraphs.

6. Heads of consular posts shall have precedence over consular officers not having that status.

Article 17
Performance of diplomatic acts by consular officers

1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and

without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim diplomatic privileges and immunities.

2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any intergovernmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

Article 18
Appointment of the same person by two or more States as a consular officer

Two or more States may, with the consent of the receiving State, appoint the same person as a consular officer in that State.

Article 19
Appointment of members of consular staff

1. Subject to the provisions of articles 20, 22 and 23, the sending State may freely appoint the members of the consular staff.

2. The full name, category and class of all consular officers, other than the head of a consular post, shall be notified by the sending State to the receiving State in sufficient time for the receiving State, if it so wishes, to exercise its rights under paragraph 3 of article 23.

3. The sending State may, if required by its laws and regulations, request the receiving State to grant an *exequatur* to a consular officer other than the head of a consular post.

4. The receiving State may, if required by its laws and regulations, grant an *exequatur* to a consular officer other than the head of a consular post.

Article 20
Size of the consular staff

In the absence of an express agreement as to the size of the consular staff, the receiving State may require that the size of the staff be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the consular district and to the needs of the particular consular post.

Article 21
Precedence as between consular officers of a consular post

The order of precedence as between the consular officers of a consular post and any change thereof shall be notified by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

Article 22
Nationality of consular officers

1. Consular officers should, in principle, have the nationality of the sending State.

2. Consular officers may not be appointed from among persons having the nationality of the receiving State except with the express consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Article 23
*Persons declared "*non grata*"*

1. The receiving State may at any time notify the sending State that a consular officer is persona non grata or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consular post.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this article, the receiving State may, as the case may be, either withdraw the *exequatur* from the person concerned or cease to consider him as a member of the consular staff.

3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.

4. In the cases mentioned in paragraphs 1 and 3 of this article, the receiving State is not obliged to give to the sending State reasons for its decision.

Article 24
Notification to the receiving State of appointments, arrivals and departures

1. The Ministry for Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of:

(*a*) the appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post;

(*b*) the arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;

(*c*) the arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such;

(*d*) the engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.

2. When possible, prior notification of arrival and final departure shall also be given.

SECTION II.
END OF CONSULAR FUNCTIONS

Article 25
Termination of the functions of a member of a consular post

The functions of a member of a consular post shall come to an end, inter alia:

(*a*) on notification by the sending State to the receiving State that his functions have come to an end;

(*b*) on withdrawal of the *exequatur*;

(*c*) on notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

Article 26
Departure from the territory of the receiving State

The receiving State shall, even in case of armed conflict, grant to members of the consular post and members of the private staff, other than nationals of the receiving State, and to members of their families forming part of their households irrespective of nationality, the necessary time and facilities to enable them to prepare their departure and to leave at the earliest possible moment after the termination of the functions of the members concerned. In particular, it shall, in case of need, place at their disposal the necessary means of transport for themselves and their property other than property acquired in the receiving State the export of which is prohibited at the time of departure.

Article 27
Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances

1. In the event of the severance of consular relations between two States:

(*a*) the receiving State shall, even in case of armed conflict, respect and protect the consular premises, together with the property of the consular post and the consular archives;

(*b*) the sending State may entrust the custody of the consular premises, together with the property contained therein and the consular archives, to a third State acceptable to the receiving State;

(*c*) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

2. In the event of the temporary or permanent closure of a consular post, the provisions of subparagraph (*a*) of paragraph 1 of this article shall apply. In addition,

(*a*) if the sending State, although not represented in the receiving State by a diplomatic mission, has another consular post in the territory of that State, that consular post may be entrusted with the custody of the premises of the consular post which has been closed, together with the property contained therein and the consular archives, and, with the consent of the receiving State, with the exercise of consular functions in the district of that consular post; or

(*b*) if the sending State has no diplomatic mission and no other consular post in the receiving State, the provisions of subparagraphs (*b*) and (*c*) of paragraph 1 of this article shall apply.

CHAPTER II.
FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

SECTION I. FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO A CONSULAR POST

Article 28
Facilities for the work of the consular post

The receiving State shall accord full facilities for the performance of the functions of the consular post.

Article 29
Use of national flag and coat-of-arms

1. The sending State shall have the right to the use of its national flag and coat-of-arms in the receiving State in accordance with the provisions of this article.

2. The national flag of the sending State may be flown and its coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.

3. In the exercise of the right accorded by this article regard shall be had to the laws, regulations and usages of the receiving State.

Article 30
Accommodation

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

Article 31
Inviolability of the consular premises

1. Consular premises shall be inviolable to the extent provided in this article.

2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action.

3. Subject to the provisions of paragraph 2 of this article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State.

Article 32
Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to paragraph 1 of this article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

Article 33
Inviolability of the consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

Article 34
Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

Article 35
Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

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.

Article 36
Communication and contact with nationals of the sending State

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;

(*b*) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

(*c*) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgement. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this article are intended.

Article 37
Information in cases of deaths, guardianship or trusteeship, wrecks and air accidents

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

(*a*) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred;

(*b*) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments;

(*c*) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence.

Article 38
Communication with the authorities of the receiving State

In the exercise of their functions, consular officers may address:

(*a*) the competent local authorities of their consular district;

(*b*) the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

Article 39
Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

SECTION II.

FACILITIES, PRIVILEGES AND IMMUNITIES
RELATING TO CAREER CONSULAR OFFICERS AND
OTHER MEMBERS OF A CONSULAR POST

Article 40
Protection of consular officers

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 41
Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. Except in the case specified in paragraph 1 of this article, consular officers shall not be committed to prison or be liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this article, in a manner which will hamper the exercise of consular functions as little as possible. When, in the circumstances mentioned in paragraph 1 of this article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 42
Notification of arrest, detention or prosecution

In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

Article 43
Immunity from jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this article shall not, however, apply in respect of a civil action either:

(*a*) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or

(*b*) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

Article 44
Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

Article 45
Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in articles 41, 43 and 44.

2. The waiver shall in all cases be express, except as provided in paragraph 3 of this article, and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 46
Exemption from registration of aliens and residence permits

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

Article 47
Exemption from work permits

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour.

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this article.

Article 48
Social security exemption

1. Subject to the provisions of paragraph 3 of this article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

(*a*) that they are not nationals of or permanently resident in the receiving State; and

(*b*) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State.

Article 49
Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(*a*) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(*b*) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of article 32;

(*c*) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (*b*) of article 51;

(*d*) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State;

(*e*) charges levied for specific services rendered;

(*f*) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of article 32.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services.

3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

Article 50
Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(*a*) articles for the official use of the consular post;

(*b*) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in subparagraph (*b*) of paragraph 1 of this article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned.

Article 51
Estate of a member of the consular post or of a member of his family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

(*a*) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death;

(*b*) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 52
Exemption from personal services and contributions

The receiving State shall exempt members of the consular post and members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 53
Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an end, his privileges and immunities and those of a member of his family forming part of his household or a member of his

private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

Article 54
Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or travelling separately to join him or to return to the sending State.

2. In circumstances similar to those specified in paragraph 1 of this article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

4. The obligations of third States under paragraphs 1, 2 and 3 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to force majeure.

Article 55
Respect for the laws and regulations of the receiving State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of the State.

2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

Article 56
Insurance against third party risks

Members of the consular post shall comply with any requirements imposed by the laws and regulations of the receiving State, in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

Article 57
Special provisions concerning private gainful occupation

1. Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving State.

2. Privileges and immunities provided in this chapter shall not be accorded:

(*a*) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;

(*b*) to members of the family of a person referred to in subparagraph (*a*) of this paragraph or to members of his private staff;

(c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III.
REGIME RELATING TO HONORARY CONSULAR OFFICERS AND CONSULAR POSTS HEADED BY SUCH OFFICERS

Article 58
General provisions relating to facilities, privileges and immunities

1. Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of article 54 and paragraphs 2 and 3 of article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by articles 59, 60, 61 and 62.

2. Articles 42 and 43, paragraph 3 of article 44, articles 45 and 53 and paragraph 1 of article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by articles 63, 64, 65, 66 and 67.

3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer.

4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

Article 59
Protection of the consular premises

The receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

Article 60
Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in paragraph l of this article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State.

Article 61
Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

Article 62
Exemption from customs duties

The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer: coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

Article 63
Criminal proceedings

If criminal proceedings are instituted against an honorary consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him shall be instituted with the minimum of delay.

Article 64
Protection of honorary consular officers

The receiving State is under a duty to accord to an honorary consular officer such protection as may be required by reason of his official position.

Article 65
Exemption from registration of aliens and residence permits

Honorary consular officers, with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

Article 66
Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

Article 67
Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 68
Optional character of the institution of honorary consular officers

Each State is free to decide whether it will appoint or receive honorary consular officers.

CHAPTER IV.
GENERAL PROVISIONS

Article 69
Consular agents who are not heads of consular posts

1. Each State is free to decide whether it will establish or admit consular agencies conducted by consular agents not designated as heads of consular post by the sending State.

2. The conditions under which the consular agencies referred to in paragraph 1 of this article may carry on their activities and the privileges and immunities which may be enjoyed by the consular agents in charge of them shall be determined by agreement between the sending State and the receiving State.

Article 70
Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry.

3. In the exercise of consular functions a diplomatic mission may address:

(*a*) the local authorities of the consular district;

(*b*) the central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by relevant international agreements.

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this article shall continue to be governed by the rules of international law concerning diplomatic relations.

Article 71
Nationals or permanent residents of the receiving State

1. Except insofar as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privileges provided in paragraph 3 of article 44. So far as these consular officers are concerned, the receiving State shall likewise be bound by the obligation laid down in article 42. If criminal proceedings are instituted against such a consular officer, the proceedings shall, except when he is under arrest or detention, be conducted in a manner which will hamper the exercise of consular functions as little as possible.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this article, shall enjoy facilities, privileges and immunities only insofar as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only insofar as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

Article 72
Non-discrimination

1. In the application of the provisions of the present Convention the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

(*a*) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its consular posts in the sending State;

(*b*) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

Article 73
Relationship between the present Convention and other international agreements

1. The provisions of the present Convention shall not affect other international agreements in force as between States Parties to them.

2. Nothing in the present Convention shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof.

CHAPTER V.
FINAL PROVISIONS

Article 74
Signature

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

Article 75
Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 76
Accession

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 74. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 77
Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 78
Notifications by the Secretary-General

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article 74:

(*a*) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles 74, 75 and 76;

(*b*) of the date on which the present Convention will enter into force, in accordance with article 77.

Article 79
Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article 74.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at Vienna this twenty-fourth day of April, one thousand nine hundred and sixty-three.

Vienna Convention on Diplomatic Relations

1961

Done at Vienna on 18 April 1961. Entered into force on 24 April 1964.
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2005

Vienna Convention on Diplomatic Relations
Done at Vienna on 18 April 1961

The States Parties to the present Convention,

Recalling that peoples of all nations from ancient times have recognized the status of diplomatic agents,

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 promotion of friendly relations among nations,

Believing that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States,

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

Have agreed as follows:

Article 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(*a*) The "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;

(*b*) The "members of the mission" are the head of the mission and the members of the staff of the mission;

(*c*) The "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;

(*d*) The "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;

(*e*) A "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;

(*f*) The "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;

(*g*) The "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;

(*h*) A "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;

(*i*) The "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

Article 2

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

Article 3

1. The functions of a diplomatic mission consist, inter alia, in:

(*a*) Representing the sending State in the receiving State;

(*b*) Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;

(*c*) Negotiating with the Government of the receiving State;

(*d*) Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;

(*e*) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

Article 4

1. The sending State must make certain that the *agrément* of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.

2. The receiving State is not obliged to give reasons to the sending State for a refusal of *agrément*.

Article 5

1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is express objection by any of the receiving States.

2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a chargé d'affaires ad interim in each State where the head of mission has not his permanent seat.

3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organization.

Article 6

Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.

Article 7

Subject to the provisions of articles 5, 8, 9 and 11, the sending State may freely appoint the members of the staff of the mission. In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand, for its approval.

Article 8

1. Members of the diplomatic staff of the mission should in principle be of the nationality of the sending State.

2. Members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Article 9

1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission 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 mission.

Article 10

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

(*a*) The appointment of members of the mission, their arrival and their final departure or the termination of their functions with the mission;

(*b*) The arrival and final departure of a person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission;

(*c*) The arrival and final departure of private servants in the employ of persons referred to in subparagraph (*a*) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons;

(*d*) The engagement and discharge of persons resident in the receiving State as members of the mission or private servants entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given.

Article 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.

Article 12

The sending State may not, without the prior express consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself is established.

Article 13

1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other

ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.

2. The order of presentation of credentials or of a true copy thereof will be determined by the date and time of the arrival of the head of the mission.

Article 14

1. Heads of mission are divided into three classes, namely:

(*a*) That of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank;

(*b*) That of envoys, ministers and internuncios accredited to Heads of State;

(*c*) That of chargés d'affaires accredited to Ministers for Foreign Affairs.

2. Except as concerns precedence and etiquette, there shall be no differentiation between heads of mission by reason of their class.

Article 15

The class to which the heads of their missions are to be assigned shall be agreed between States.

Article 16

1. Heads of mission shall take precedence in their respective classes in the order of the date and time of taking up their functions in accordance with article 13.

2. Alterations in the credentials of a head of mission not involving any change of class shall not affect his precedence.

3. This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.

Article 17

The precedence of the members of the diplomatic staff of the mission shall be notified by the head of the mission to the Ministry for Foreign Affairs or such other ministry as may be agreed.

Article 18

The procedure to be observed in each State for the reception of heads of mission shall be uniform in respect of each class.

Article 19

1. If the post of head of the mission is vacant, or if the head of the mission is unable to perform his functions a chargé d'affaires ad interim shall act provisionally as head of the mission. The name of the chargé d'affaires ad interim shall be notified, either by the head of the mission or, in case he is unable to do so, by the Ministry for Foreign Affairs of the sending State to the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission.

Article 20

The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.

Article 21

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members.

Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 25

The receiving State shall accord full facilities for the performance of the functions of the mission.

Article 26

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

Article 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

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

3. The diplomatic bag shall not be opened or detained.

4. 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.

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 person 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 and freely from the captain of the aircraft.

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of article 31, his property, shall likewise enjoy inviolability.

Article 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(*a*) A real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(*b*) An action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(*c*) An action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under subparagraphs (*a*), (*b*) and (*c*) of paragraph 1 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

Article 33

1. Subject to the provisions of paragraph 3 of this article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:

(*a*) That they are not nationals of or permanently resident in the receiving State; and

(*b*) That they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(*a*) Indirect taxes of a kind which are normally incorporated in the price of goods or services;

(*b*) Dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(*c*) Estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of article 39;

(*d*) Dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;

(*e*) Charges levied for specific services rendered;

(*f*) Registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 23.

Article 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(*a*) Articles for the official use of the mission;

(*b*) Articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

Article 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or

permanently resident in the receiving State, enjoy the privileges and immunities specified in articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38

1. Except insofar as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

Article 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit, the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to force majeure.

Article 41

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

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

3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State.

Article 42

A diplomatic agent shall not in the receiving State practise for personal profit any professional or commercial activity.

Article 43

The function of a diplomatic agent comes to an end, inter alia:

(*a*) On notification by the sending State to the receiving State that the function of the diplomatic agent has come to an end;

(*b*) On notification by the receiving State to the sending State that, in accordance with paragraph 2 of article 9, it refuses to recognize the diplomatic agent as a member of the mission.

Article 44

The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property.

Article 45

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

(*a*) The receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;

(*b*) The sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State;

(*c*) The sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

Article 46

A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

Article 47

1. In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

(*a*) Where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its mission in the sending State;

(*b*) Where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

Article 48

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1962, at the United Nations Headquarters in New York.

Article 49

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 50

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 48. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 51

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 52

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article 48:

(*a*) Of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles 48, 49 and 50;

(*b*) Of the date on which the present Convention will enter into force, in accordance with article 51.

Article 53

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article 48.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at Vienna this eighteenth day of April one thousand nine hundred and sixty-one.