



Fourteenth session

DIPLOMATIC INTERCOURSE AND IMMUNITIES

Additional comments by Governments concerning the draft
articles on diplomatic intercourse and immunities
adopted by the International Law Commission at its tenth
session in 1958

Note by the Secretary-General: The comments received from twenty-one Governments concerning the draft articles on diplomatic intercourse and immunities adopted by the International Law Commission at its tenth session in 1958 have been distributed as documents A/4164 and Add.1 and 2. The comments of the Government of Pakistan are reproduced in this addendum.

22. PAKISTAN

Transmitted by a letter of 9 September 1959 from
the Acting Permanent Representative of Pakistan
to the United Nations

[Original: English]

Article 3(d)

The Government of Pakistan consider that in view of this sub-paragraph functions of a mission do not extend to collecting information through secret channels or in contravention of the laws of the receiving State. Attempts by some of the foreign diplomatic missions to secure classified information through clandestine sources, or through undue contacts or through fraternization, are all matters beyond the scope of lawful means and could therefore be objected to.

Article 5

The Government of Pakistan consider that it should not be necessary for the appointing State to obtain prior concurrence of the State to which the diplomatic envoy is already accredited.

Article 22

The Government of Pakistan consider that the provisions of this article are difficult to accept. In view of these provisions several situations may arise which may be difficult to tackle. Therefore, the Government of Pakistan feel that the inviolability should be restricted to documents and archives in a diplomatic bag or within the diplomatic premises or those in the physical possession of a diplomatic officer or a diplomatic courier.

Article 25

That in the last sentence of paragraph (2) of the commentary under article 25, the words "in force in the receiving State" may be inserted between the words "regulations" and "applicable".

Article 29, sub-section 3

The Government of Pakistan are not clear as to how sub-section 3 of this article will operate when measures are taken in respect of the exceptions at (a), (b) and (c) of sub-section 1.

Article 32

The Government of Pakistan feel that sub-paragraph (a) of this article should be re-worded: "Indirect taxes incorporated in the price of goods or services whether charged separately or not".

Article 34

The Government of Pakistan feel that the word "official" may be inserted before the word "use" in paragraph 1(a) of this article.

Article 36

The Government of Pakistan are unable to grant privilege of duty-free imports and other taxes, etc. to home-based non-diplomatic staff of foreign diplomatic missions. The question may be left to be governed by reciprocal arrangements between the sending and receiving States.
