



Note no. A061/13

Protocol Directorate of the Foreign and Commonwealth Office presents its compliments to all Diplomatic Missions and International Organisations and has the honour to bring the following to their attention:

### **Special Mission Immunity**

The Foreign and Commonwealth Office (FCO) has established a procedure of which missions may wish to avail themselves, in order to clarify where the United Kingdom consents to an official visit as a special mission.

The FCO is mindful of the obligations incumbent upon the United Kingdom under customary international law in respect of special missions. Under customary international law, a special mission is a temporary mission, representing a State, which is sent by one State to another State with the consent of the latter, in order to carry out official business. In this context, "official business" will normally involve official contacts with the authorities of the United Kingdom, such as a meeting officials of Her Majesty's Government, or attendance at a ceremonial occasion, for example a Royal Wedding.

Protocol Directorate has therefore put in place, initially on an experimental basis (and so until further notice), an administrative arrangement whereby diplomatic missions may seek in advance clarification of whether or not the United Kingdom consents to a particular visit as a special mission. The Directorate does not expect missions to seek advice on special mission status in relation to every official visit. In cases where the visit is potentially sensitive and in which they deem it desirable to seek such clarification, missions are invited to provide full details of the proposed visit to Protocol Directorate (addressed to Barry Nicholas or Andy Palmer in Diplomatic Missions and International Organisations Unit) at least 15 days in advance of the arrival of the mission, providing the following details:

- the visitor's full name and title
- the visitor's role, or function

- full details of any accompanying delegation
- the duration of the visit
- the reason for the visit, including an explanation of any official element.

Where Protocol Directorate provides such clarification, it will only address the question of whether or not the United Kingdom consents to a given visit as a special mission. The United Kingdom has a firm policy of ending impunity for the most serious international crimes and a commitment to the protection of human rights. Each application will therefore be considered on its merits. Ultimately, the status of any visit would be a matter for the Courts. The Directorate is unable to provide guidance on the legal consequences of such clarification. Missions should seek their own legal advice in this respect.

Equally, in cases where such clarification is not sought in advance from Protocol Directorate this will not necessarily be determinative of whether the United Kingdom does in fact consent to a given visit as a special mission. Again, ultimately the status of any visit would be a matter for the Courts to determine from all the relevant circumstances.

Protocol Directorate of the Foreign and Commonwealth Office avails itself of this opportunity to renew to all Diplomatic Missions and International Organisations the assurances of its highest consideration.

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