

The Secretary of State presents his compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to refer to bank accounts maintained in the United States by diplomatic missions and consular posts.

The attention of the Chiefs of Mission is directed to Article 2 of the Vienna Convention on Diplomatic Relations and Article 5 of the Vienna Convention on Consular Relations which describe the functions of diplomatic missions and consular posts. The attention of the Chiefs of Mission also is directed to Article 41 of the Vienna Convention on Diplomatic Relations which provides that "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 55 of the Vienna Convention on Consular Relations recognizes a similar obligation in regard to consular establishments.

In the view of the United States Government, the use of the premises or other property of diplomatic missions or consular posts to engage in commercial activity (other than that incidental to the maintenance and operation of the mission or post, or incidental to the performance of diplomatic and consular functions), is incompatible with the status of those establishments. In this respect, in the view of the United States, the use of bank accounts belonging to or held by

diplomatic missions or consular posts for commercial transactions unrelated to the maintenance, operation, or performance of diplomatic or consular functions, is not compatible with the status of the missions or posts, and of the privileges and immunities accorded for the efficient performance of diplomatic and consular functions. Accordingly, the Chiefs of Mission are reminded of the obligation to ensure that bank accounts belonging to or held by diplomatic missions or consular posts are not used for commercial activities. If the sending state desires that a bank account be established for such activities, the diplomatic mission or consular post should establish the account in the name of the agency or enterprise of the sending State that will engage in such activity and not in the name of the mission or post.

The United States Government takes seriously any violation of the general prohibition or such uses of the premises and property of the mission or post. Disregard of this requirement in respect to bank accounts may jeopardize the special status accorded those accounts by the United States under the Vienna Conventions and general principles of international law. The Department requests the cooperation of the Chiefs of Mission in assuring that this requirement will be strictly complied with in the United States.

Department of State,

Washington, March 25, 1987.

112