

for violating the sovereignty of any of the parties, particularly as the respect for sovereignty mentioned in the Agreement must be balanced against the Agreement's equally important provisions for freedom of movement.

The Canadian position, however, is that the nature of the duties being performed by ICCS officers in this case is irrelevant and that the Parties to the Agreement were bound to treat them as diplomatic agents under Article 12 "while carrying out their tasks". The Canadian Government, in agreeing to take part in the Commission, specifically informed the Parties, including the FRG, that "with respect to Article 12 of the Protocol concerning the International Commission of Control and Supervision, Canada will regard its nationals serving on the International Commission to be at all times carrying out their tasks during their service in Viet-Nam with the International Commission". Article 29 of the 1961 Vienna Convention on Diplomatic Relations, which is the international community's generally accepted position on the subject, says "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". Consequently, the Party to the Agreement concerned had an obligation to take all necessary measures to release the ICCS personnel concerned as soon as it was assured that they were, in fact, ICCS personnel. This the FRG manifestly failed to do and accordingly is in violation of Article 18 of the Agreement and Articles 10 and 12 of the Protocol concerning the International Commission of Control and Supervision.