

converse and to correspond with them and to arrange for their legal representation. Consular representatives may also visit their nationals who are in prison.

In the exercise of their functions, consular representatives may address the competent local authorities of their consular district or the competent central authorities of the receiving State to the extent that this is allowed by the law, regulations and usages of that State or by the relevant international agreements.

Consular representatives are not subject to the judicial or administrative authority of the receiving State in respect of acts performed in the exercise of consular functions. This does not apply, however,

- (i) in respect of civil action arising out of an agreement entered into by a consular employee or representative which the consular employee did not conclude expressly or by implication as a representative of the sending State; or
- (ii) in respect of civil action initiated by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

The sending State may waive the privileges and immunities provided in the Convention with regard to a member of the consular post. The waiver must in all cases be explicit and must be communicated to the receiving State in writing.

4. Honorary consular representatives

The privileges and immunities provided in the Convention do not extend to members of the family of an honorary consular representative or to a consular employee working in a consular post directed by an honorary consular representative.

When criminal proceedings are instituted against an honorary consular representative, the representative must appear before the competent authorities. The proceedings should be conducted, however, with the respect due the representative by reason of his/her official position and, except when under arrest or detention, in a manner which will hamper the exercise of his/her functions as little as possible. When it is necessary to detain an honorary consular representative, the proceedings against him/her must be instituted with the minimum of delay.

The receiving State is under a duty to accord an honorary consular representative such protection as may be required, in keeping with his/her official position.

5. Consular bag

The consular bag must 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 correspondence, documents and articles intended exclusively for official use, 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 will be returned to its place of origin.

6. Miscellaneous privileges

Consular employees enjoy the privileges and exemptions applicable to articles for their personal use subject to two conditions: