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DIPLOMATIC IMMUNITIES AND PRIVILEGES

Part ID: II Diplomatic Privileges and Immunities (ss 2-3)

CHAPTER: 39:01

## 2. Application of Vienna Convention

(1) Subject to section 3 of this Act, the Articles set out in the First Schedule (being the Articles of the Vienna Convention on Diplomatic Relations signed in 1961) shall have the force of law in Botswana and shall for that purpose be construed in accordance with the following provisions of this section.

(2) In those Articles-

"agents of the receiving State" shall be construed as including any police officer and any person exercising a power of entry to any premises under any written law;

"national of the receiving State" shall be construed as meaning a citizen of Botswana;

"Ministry for Foreign Affairs or such other ministry as may be agreed" shall be construed as meaning the department of the Minister responsible for external affairs.

(3) For the purposes of Article 32 a waiver by the head of the mission of any State or any person for the time being performing his functions shall be deemed to be a waiver by that State.

(4) Articles 35, 36 and 40 shall be construed as granting any privilege or immunity which they require to be granted.

(5) The references in Articles 37 and 38 to the extent to which any privileges and immunities are admitted by the receiving State and to additional privileges and immunities that may be granted by the receiving State shall be construed as referring respectively to the extent to which any privileges and immunities may be specified by the President by order published in the Gazette and to any additional privileges and immunities that may be so specified.

## 3. Restriction of privileges and immunities

If it appears to the President that the privileges and immunities accorded to a mission of Botswana in the territory of any State, or to persons connected with that mission, are less than those conferred by this Act on the mission of that State or on persons connected with that mission, the President may by order published in the Gazette withdraw such of the privileges and immunities so conferred from the mission of that State or from such persons connected with it as appears to the President to be proper.