

GUIDELINES ON PROTOCOL, PRIVILEGES AND IMMUNITIES

MINISTRY OF FOREIGN AFFAIRS
ROYAL GOVERNMENT OF BHUTAN
THIMPHU
2020



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FOREWORD



The Ministry of Foreign Affairs, Royal Government of Bhutan is pleased to present the Guidelines on Protocol, Privileges and Immunities for members of missions and international organizations based in or accredited to the Kingdom of Bhutan. The Guidelines essentially covers basic protocol procedures to be followed as well as privileges and immunities granted to the members of the missions and international organizations during their tenure in Bhutan.

The purpose of the Guidelines is to support and facilitate the work of members of missions and international organizations through provision of privileges and immunities in line with Vienna Convention on Diplomatic Relations (1961), Vienna Convention on Consular Relations (1963), relevant UN Conventions, host country agreements, prevailing laws & regulations of the Kingdom and on the basis of principle of reciprocity.

The information contained in this Guidelines is non-binding and subject to change without notice. Missions and international organizations will be informed should there be any changes in the Guidelines.

The Ministry of Foreign Affairs solicits the cooperation of the members of missions and international organizations in implementing the Guidelines successfully and adhering to other relevant laws and regulations of the Kingdom.

We hope that this Guidelines will contribute to a memorable and successful stay in the Kingdom.

Tashi Delek!

Lyonpo (Dr.) Tandi Dorji
MINISTER

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Chapter 1: Agrément, Exequatur or Concurrence

1. The sending state or international organization shall communicate to the Government, the person it proposes to appoint as the head of the mission or international organization through a diplomatic note, along with his curriculum vitae to the Ministry, and seek the agrément, exequatur or concurrence of the Government.

2. Request for agrément for the new head of mission representing the sending state in the Kingdom on non-residential basis shall be communicated through a diplomatic mission of the Kingdom.

3. Request for appointment of the head of international organization shall be submitted to the Ministry directly or through a diplomatic mission of the Kingdom.

4. The head of the consulate shall be admitted to the exercise of his functions by an exequatur from the Government.

5. The Ministry shall notify the sending state or international organization, the agrément, exequatur or concurrence of the Government for the proposed appointment through a diplomatic note.

6. The Government shall not be obliged to provide reasons for refusal of agrément, exequatur or concurrence.

Chapter 2: Arrival of Member

Head

7. Once the agrément, exequatur or concurrence has been granted, the sending state or international organization shall notify the date and time of arrival of the head of mission or international organization-designate to the Ministry through a diplomatic note.

8. Upon arrival in the Kingdom, the head of mission or international organization-designate shall be received by representative(s) of the Ministry.

Other Member

9. Mission and international organization shall notify the Ministry, the arrival of other members through a diplomatic note. The note shall contain:

    a) Name of the member;

    b) Position;

    c) Name of the person being replaced;

    d) Name (s) of family members; and

    e) Date of arrival.

Family Member

10. Mission and international organization shall notify the arrival of any family member to the Ministry.

Chapter 3: Administrative Requirements

Employment

11. The employment of local administrative, technical, service staff and domestic help shall be in accordance with the Labour and Employment Act of Bhutan, 2007.

12. Head of mission or international organization shall be entitled to one domestic help from abroad. Prior to the entry of the domestic help in the Kingdom, a diplomatic note for the intended employment shall be submitted to the Ministry.

Entry Permit/Visa

13. Members of mission or international organization, and their family members, service staff and domestic help shall process for visa at least two weeks prior to their intended date of arrival in the Kingdom.

14. Members of mission or international organization, their family members, service staff and domestic help from countries eligible for entry permit/visa on arrival shall be issued entry permit/visa on arrival at the point of entry.

15. Members of mission or international organization, their family members, service staff and domestic help shall apply for long term permit/visa to the Department of Protocol (DoP) within 30 days of their arrival in the Kingdom.

16. The Ministry shall recommend extension of entry permit/visa based on notification of extension of term of a member by his mission or international organization, unless the person has been declared as persona non grata.

17. Issuance and extension of entry permit/visa shall be governed by the Immigration Act of the Kingdom of Bhutan, 2007.

Registration

18. Members of mission or international organization, their family members, service staff and domestic help shall register with DoP within 10 working days of their arrival. The following documents shall be submitted for the purpose of registration:

    a. Duly filled-in registration form in ***Annex I***;

    b. One recent passport size photograph with name written on the back; and

    c. A copy of passport with valid visa.

19. Mission and international organization shall submit an updated list of their members, service staff and domestic help to DoP in the beginning of every calendar year. Any changes in the list shall be notified to DoP immediately.

20. DoP shall maintain an up-to-date list of the members of mission and international organization, family members, service staff and domestic help.

Identity Card

21. Identity card shall be issued to members of mission or international organization, their family members, service staff and domestic help at the time of registration. However, Bhutanese national employed by mission or international organization shall not be eligible for the card.

22. Colour coding of the card shall be red for diplomats & family members and blue for other members including domestic help.

23. The Ministry may issue a special identity card to members based on the agreement signed between the government and the concerned international organization. The color coding for the card shall be green.

24. Identity card shall be issued for the duration of the tour of duty or three years, whichever is less.

25. Request for renewal of identity card shall be made to DoP a month prior to the expiry date as per Section 18 and the new card shall be issued only upon surrendering the expired card.

26. Identity card shall not be renewed if the remaining tour of duty is less than three months. However, the Ministry shall issue a letter authorizing his access to facilities as entitled.

27. Members of mission or international organization, their family members, service staff and domestic help shall carry their card with them at all times.

28. The sole purpose of the identity card is for personal identification and shall not be the basis for automatic claims to privileges and immunities outlined in this Guidelines.

29. Identity card is the property of the Government and is non-transferable. Loss of or damage to the card shall be reported to DoP. To obtain a new card, the same procedure as under Section 18 shall apply in addition to a penalty of Nu. 1,000/- (Ngultrum one thousand only).

30. Mission and international organization shall return the identity card upon the completion of tour of duty to DoP within 14 days of their departure.

Chapter 4: Notification and Approval

Chargé d' Affaires ad Interim or Acting Head

31. The appointment of chargé d'affaires a.i or acting head of international organization shall be notified in advance to the Ministry through a diplomatic note.

32. The diplomatic note shall contain the name and rank of the chargé d'affaires a.i or acting head of international organization and the duration for which he shall act in that capacity.

33. The name of the chargé d'affaires a.i shall be notified either by the mission or the agency responsible for Foreign Affairs of the sending state, as may be applicable.

34. In case when no member of the diplomatic staff of the mission is present in the Kingdom, a member of the administrative and technical staff may, with the consent of the Ministry, be designated by the sending state to be in charge of the current administrative affairs of the mission.

Departure

35. The Ministry shall be notified of the completion of the tour of duty of the head of mission or international organization before his departure.

36. DoP shall facilitate farewell calls-on officials of the Government on the request of the departing head of mission or international organization.

37. The head of mission or international organization shall be seen off by representative(s) of the Ministry.

38. Mission and international organization shall notify the Ministry on completion of tour of duty of the member, service staff and domestic help and their departure.

Additional Post

39. Mission or international organization shall seek the prior concurrence of the Ministry for any additional post required.

Internal Travel Permit

40. Members of mission or international organization and their family members shall obtain prior clearance from the Ministry and permit from relevant agencies to visit any restricted area designated by the Government.

Lease of Space/Premises

41. Mission or international organization wishing to lease, dispose or change spaces or premises for official or residential purposes shall notify the Ministry and seek necessary approval.

Chapter 5: Presentation of Credentials

42. The Ministry shall inform the ambassador-designate of the date and time of the ceremony of the presentation of his letter of credence.

43. The Chief of Protocol shall brief the ambassador-designate on the credential ceremony and receive true copies of the letter of credence of the head of mission or ambassador-designate and the letter of recall of his predecessor one day prior to the date of ceremony.

44. The order of precedence for presentation of credentials by ambassador-designates on the same day shall be based on the date of the agrément. In the event that the date of agrément falls on the same day, the order of precedence shall be based on alphabetical order of the sending states.

45. The ambassador-designate shall present his letter of credence to His Majesty The King.

46. For international organization, true copies of the letter of appointment of the head-designate shall be submitted to the Ministry.

47. The head-designate of international organization shall present his letter of appointment to the Foreign Minister.

Chapter 6: Privileges

Customs Duty Exemption

48. Exemption from payment of customs duty for import of necessary items for official use, including reasonable quantities of office equipment and other goods shall be in accordance with the Customs Act 2017 and the Customs Rules & Regulations of the Kingdom 2017.

49. Exemption from payment of customs duty on import of personal and household effects and consumable items intended for establishment and for the use of the family shall be in accordance with the list and provisions of the Customs Act 2017 and the Customs Rules & Regulations of the Kingdom 2017.

50. Import of personal and household effects made subsequently after 12 months of arrival shall be subject to levy of customs duty.

51. Mission and international organization shall apply for Duty Exemption Certificate and Import License through DoP with the following documents:

    a. Two sets of duly filled-in import forms certified by the authorized official of the mission or international organization.

    b. List of items to be imported along with supporting documents and invoices.

52. DoP shall, upon receipt, verify and recommend the application to the relevant agencies of the Government.

Tax Exemption

53. Mission and international organization, their assets, income and property shall be exempt from taxes. However, such exemption shall not apply to dues and taxes that are payable under the laws of the Kingdom by persons contracting with the mission or international organization.

54. Members of mission or international organization shall be exempt from taxes except those indirect taxes which form the part of price of goods or services. Dues and taxes on private income having its source in the Kingdom, as well as charges for specific services rendered shall not be exempt from taxes.

55. Members of mission or international organization shall be exempt from taxes on their emoluments paid by the mission or international organization.

Duty Free Card

56. Diplomatic staff of mission or international organization shall have access to the duty free shop for purchase of goods in prescribed quantities for personal consumption in accordance with the rules in force.

57. Request for duty free card shall be made through DoP along with following documents:

    a. Duly filled-in duty free membership form;

    b. A recent passport size photograph; and

    c. A copy of the identity card issued by the Ministry.

58. Duty free card shall be issued by the Ministry of Finance upon recommendation of the Ministry.

59. Mission and international organization shall be responsible for returning the card upon the completion of the tour of duty to DoP within 14 days.

60. Except for the head of international organization, Bhutanese national working at all levels shall not be entitled to a duty free card.

Acquisition and Disposal of Vehicle

61. Prior approval shall be sought through DoP for acquisition, registration and disposal of vehicle.

62. Mission and international organization shall be eligible to import a reasonable number of official vehicles without duties and taxes upon approval of the Government.

63. Members shall be eligible to import one new or used vehicle exempt from payment of customs duties and the vehicle shall be imported within 12 months of their arrival. In case of a used vehicle, members shall re-export upon completion of their tour of duty.

64. Vehicle shall be registered with the Road Safety and Transport Authority (RSTA) within 15 days from the date of arrival of the vehicle in the Kingdom.

65. The allocation of diplomatic license number for mission or international organization or it's member shall be as per the **Standard Operating Procedure on allotment of CD number.**

66. Vehicle shall have insurance coverage and pay fees and renewal charges as prescribed in the Road Safety and Transport Regulations (RSTR) 2019.

67. The duty exempt vehicles of the member shall be re-exported or sold to the privileged or non-privileged person on completion of their tour of duty.

68. When a duty exempt vehicle is sold by members, the buyer shall bear the transfer tax.

69. Diplomatic license number for personal vehicle shall be surrendered to the RSTA through DoP upon completion of tour of duty and transfer of ownership whether by sale or gift shall be completed prior to the departure of the member.

70. Exemption of tax and duty free import of vehicle shall not apply to Bhutanese national working for mission or international organization.

Driving License

71. Members may be exempt from obtaining a Bhutanese driving license for a period of three months if he:

    a. has a valid international driving license; or

    b. holds a diplomatic passport and a valid driving license issued in another country.

72. Members having a valid international driving license or a driving license issued in another country and residing in the Kingdom for more than three months shall seek endorsement for one year from RSTA on payment of applicable fees.

73. Members without an international driving license or a driving license issued in another country shall obtain Bhutanese driving license as per RSTR 2019.

Personal Guest

74. Members holding diplomatic identity card shall be entitled to invite a total of two personal guests each calendar year in accordance with the Immigration Rules and Regulations 2015.

75. The application to invite personal guest should be submitted to DoP with the following documents:

    a. Recommendation from the mission or international organization;

    b. A copy of diplomatic identity card issued by the Ministry to the member ;

    c. Personal guest application form;

    d. Visa application form of the guest;

    e. A copy of the passport of the guest; and

    f. A travel itinerary.

76. A personal guest shall be granted a personal guest visa for a maximum of 30 days of stay in the Kingdom.

Airport Access Card

77. Mission or international organization shall be issued airport access card(s) as per requirement, but not exceeding three by the Department of Air Transport (DoAT) on the recommendation of the Ministry.

78. Application for the airport card shall be made to DoP and the access to different parts of the airport shall be as per the regulations of DoAT.

VIP and Ceremonial Lounge

79. Entitlement of VIP and Ceremonial Lounge shall be as per the provisions in the Protocol Handbook of the Ministry.

80. Mission or international organization shall request DoP for the use of the VIP and ceremonial lounge three days prior to the arrival/departure of their visiting dignitary or official guest.

81. Ambassador-designate shall be entitled to use ceremonial lounge on arrival to present the credentials and on final departure upon completion of tour of duty.

Diplomatic Bag

82. The diplomatic bag shall contain only diplomatic documents or articles intended for official use, and not restricted or prohibited goods under the laws of the Kingdom and international laws.

Tobacco and Tobacco Product

83. Members shall be allowed to import as per the Tobacco Rules and Regulations, 2016. The following are the permissible limits for the import of tobacco and tobacco products for personal consumption per month:

a. 800 sticks of cigarettes; or

b. 1200 sticks of bidi; or

c. 150 pieces of cigars; or

d. 750 grams of other tobacco or tobacco products.

84. Members shall be allowed to import only one type of tobacco or tobacco product at a time.

85. Members importing tobacco or tobacco products for personal consumption shall pay the applicable duties and taxes.

Chapter 7: Immunity and Inviolability

Mission and International Organization

86. Premises of mission or international organization shall be inviolable and entry into them may take place only with the consent of head of mission or international organization.

87. Premises of mission or international organization, its furnishing and other property including means of transport shall be immune from search, requisition, attachment or execution.

88. Archive, document and official correspondence of mission or international organization shall be inviolable at any time irrespective of location and shall enjoy same protection as the premises.

Diplomatic Staff of Mission

89. The private residence including correspondence and property shall enjoy the same inviolability and protection as the premises of the mission.

90. Diplomatic staff shall be inviolable. He shall not be liable to any form of arrest or detention. Government shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

91. Diplomatic staff with consular functions shall not be liable to arrest or detention pending trial, except in the case of grave crime and pursuant to a decision by the competent judicial authority.

92. Diplomatic staff shall enjoy immunity from criminal, civil and administrative jurisdiction except in the case of:

    a. an action relating to succession in which the diplomatic staff is involved as an executor, administrator, heir or legatee as a private person and not on behalf of the sending state; and

    b. an action relating to any professional or commercial activity exercised by the member in the Kingdom outside his official function.

93. Diplomatic staff is not obliged to give evidence as a witness.

94. Non-Bhutanese family members of diplomatic staff shall enjoy the immunities as specified above.

Administrative and Technical Staff of Mission

95. Administrative and technical staff of a mission, together with their family members forming part of respective household, if they are not Bhutanese national or permanent resident in Bhutan, shall enjoy immunity from arrest and detention, criminal, civil and administrative jurisdiction for the acts performed in the course of their official duties.

Members of International Organization

96. Members shall be entitled to specific immunities accorded to them under the host country agreement signed between the organization and the Government, or other relevant international or regional legal instruments.

97. Members shall enjoy immunity from legal processes in respect of words spoken or written and all acts performed by them in their official capacity.

Chapter 8: Miscellaneous

98. Members of mission or international organization, their family members, service staff and domestic help shall abide by the traffic regulations of RSTR 2019 and may be liable for penalties in the event of violation.

99. The traffic police may take necessary steps to ensure that the driver does not endanger himself or others in case a person enjoying immunity is found to be driving under the influence of alcohol, drugs or certain medicines.

100. Mission, international organization and members shall abide by relevant laws of the kingdom in addition to the acts and rules & regulations specified in this Guidelines.

Chapter 9: Rules of Construction and Amendment

101. In this Guidelines, unless the context indicates otherwise, the singular shall include plural and the masculine shall include feminine.

102. Amendment to this Guidelines and its annexes shall be effected by the Ministry.

Chapter 10: Definition

103. Unless the context otherwise requires, the terms used in this Guidelines shall have the following meanings assigned as hereunder:

i. **Administrative and Technical Staff:** Person employed in the administrative and technical service of a mission or international organization.

ii. **Consulate:** Office of the Consul General/Consul headed by career consul.

iii. **Diplomatic Bag:** A bag or package containing official correspondence and documents or articles intended for official use by mission or international organization.

iv. **Diplomatic Mission:** Mission and embassy of the Kingdom.

v. **Diplomatic Staff:** Member of a mission or international organization with diplomatic rank and holding diplomatic passport.

vi. **Domestic Help:** Person employed in the domestic service of a member of a mission or international organization.

vii. **Family Member:** Spouse and children of the members of mission or international organization.

viii. **Government:** Royal Government of Bhutan.

ix. **Head of International Organization:** Person appointed as resident coordinator of the UN systems in Bhutan, country representative, resident representative and head of international or regional organization.

x. **Head of Mission:** Person charged by the sending state with the duty of acting in that capacity.

xi. **International Organization:** The United Nations and its specialized agencies, other international and regional organizations.

xii. **Kingdom:** Kingdom of Bhutan.

xiii. **Members:** Diplomatic, administrative and technical staff of mission and international organization.

xiv. **Ministry:** Ministry of Foreign Affairs.

xv. **Mission:** Resident embassy and consulate.

xvi. **Service Staff:** Person employed in domestic service of the mission.

Annex I

REGISTRATION FORM

Name: _____

Passport Type : ☐ Ordinary ☐ Official ☐ Diplomatic / UNLP

Passport Number: _____

Designation: _____

Working Agency: _____

Date of arrival in Bhutan(DD/MM/YYYY): _____/_____/_____

Duration of Tour of Duty:

From: _____/_____/_____ To: _____/_____/_____

Address in Bhutan:_____

Contact No:_____

Email Address: _____

If accompanied by family member(s), list their details below:

Name	Relationship	Passport Number	Date of arrival in Bhutan
i.			
ii.			
iii.			
iv.			
v.			

I hereby declare that all the information given above are correct:

Date: (Seal & Signature Head of Mission/International Organization)	Date: (Signature of the Applicant)

Please enclose passport size photo and passport copy of the applicant and family member(s) for the purpose of issuing identity card.

Annex II

ENTITLEMENT CHART

Privileges	Beneficiary		
	Head of Mission or International Organization and their family members	**Diplomatic staff of Mission or International Organization and their family members**	**Administrative and Technical Staff of Mission or International organization**
Visa	Gratis	Gratis	Gratis for those holding Official/UN Passport
Identity card *	Red	Red	Blue
Duty free card	Entitled	Entitled	Not entitled
Import of motor vehicle	1 each	1 each	1 each
Personal effect	Entitled	Entitled	Entitled
Diplomatic license plate	1 each	1 each	Not entitled
Tobacco	Permissible quantities shall be as per the Tobacco Rules and Regulations, 2016		

** Note: The special identity card issued to members of international organization shall be green in color.*

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