

VIENNA CONVENTION ON CONSULAR RELATIONS

At its first session, in 1949, the International Law Commission selected the subject of consular intercourse and immunities as one of the topics for codification without, however, including it in the list of topics to which it gave priority. In 1955, the Commission decided to begin the study of this topic and appointed Jaroslav Žourek as Special Rapporteur.

The Commission considered this topic in 1956 and from 1958 to 1961. In connection with its work on this topic, the Commission had before it the reports of the Special Rapporteur (A/CN.4/108, A/CN.4/131 and A/CN.4/137) and information provided by Governments (A/CN.4/136 and Add.1-11).

In 1960, the Commission adopted on first reading sixty-five draft articles, together with commentaries, and transmitted the draft to Governments for their comments. In 1961, the Commission adopted a final draft on consular relations, consisting of seventy-one articles accompanied by commentaries. In submitting the final draft to the General Assembly, the Commission recommended that the Assembly convene an international conference of plenipotentiaries to study the draft and conclude one or more conventions on the subject.

The General Assembly, in resolution 1685 (XVI) of 18 December 1961, noted “with satisfaction that the draft articles on consular relations prepared by the International Law Commission constitute a good basis for the preparation of a convention on that subject”, decided that an international conference of plenipotentiaries should be convened at Vienna at the beginning of March 1963, and referred to the Conference the report adopted by the ILC containing draft articles on consular relations. At the same time, in order “to provide an opportunity for completing the preparatory work by further expressions and exchanges of views concerning the draft articles at the seventeenth [1962] session”, the Assembly also requested Member States to submit written comments on the draft articles, by 1 July 1962, for circulation to Governments prior to the beginning of the seventeenth session, and decided to place on the provisional agenda of that session the item “Consular relations”.

In 1962, after a discussion on the draft articles on consular relations in the Sixth Committee, the General Assembly, by resolution 1813 (XVII) of 18 December 1962, requested the Secretary-General to transmit to the conference of plenipotentiaries the summary records and documentation relating to the consideration of this item at the Assembly’s seventeenth session, and invited States intending to participate in the conference to submit to the Secretary-General as soon as possible, for circulation to Governments, any amendment to the draft articles which they might wish to propose in advance of the conference.

The United Nations Conference on Consular Relations, which was attended by delegates of ninety-five States, met at Vienna from 4 March to 22 April 1963. The Conference assigned consideration of the draft articles prepared by the International Law Commission, and certain additional proposals, to two main committees, each composed of all the participating States. After the articles and proposals had been dealt with in the main committees, they were referred to a drafting committee, which prepared texts for submission to the Conference meeting in plenary session. The Conference adopted the Vienna Convention on Consular Relations, consisting of seventy-nine articles, an Optional Protocol concerning Acquisition of Nationality and an Optional Protocol concerning the Compulsory Settlement of Disputes.

The Final Act of the Conference was signed on 24 April 1963. The Convention and Optional Protocols remained open for signature until 31 October 1963 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1964, at United Nations Headquarters. They remain open for accession by all Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly to become a party. The Convention and both Optional Protocols came into force on 19 March 1967.