United Nations Conference on Consular Relations

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11th meeting of the First Committee

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70. Mr. CAMERON (United States of America) observed that the purpose of the Spanish amendment seemed to be to make sure that sub-paragraph (*d*) imposed no obligation on the consul of a sending State to issue visas to persons wishing to travel to the sending State. His delegation was convinced, however, that, when the Convention had been ratified, that obligation could not be imposed on consuls, and that the amendment was therefore unnecessary.

71. Mr. USTOR (Hungary) endorsed the United States representative's comments.

72. The CHAIRMAN said that, in the light of the United States representative's explanation, there seemed to be no need for the Liberian representative to press his proposal.

The Spanish amendment (A/CONF.25/C.1/L.45) was rejected by 56 votes to 2, with 7 abstentions.

The International Law Commission's draft of sub-paragraph (d) was adopted by 63 votes to none, with 3 abstentions.

The meeting rose at 1.15 p.m.

ELEVENTH MEETING

Tuesday, 12 March 1963, at 3.10 p.m.

Chairman: Mr. BARNES (Liberia)

Consideration of the draft articles on consular relations adopted by the International Law Commission at its thirteenth session (A/CONF.25/6) (*continued*)

Article 5 (Consular functions) (*continued*)

Sub-paragraph (e)

1. The CHAIRMAN drew attention to two amendments to sub-paragraph (*e*) submitted respectively by Spain (A/CONF.25/C.1/L.45) and by Greece (A/CONF.25/C.1/L.80).

2. Mr. TORROBA (Spain) said that workers and emigrants needed the protection and assistance of consulates more than other nationals of the sending State, as they were often in an unfavourable position with respect to the laws of the receiving State in the matter of employment and social protection. Accordingly they should be specifically mentioned, and that was the object of the Spanish amendment.

3. Mr. PALIERAKIS (Greece) withdrew his delegation's amendment to sub-paragraph (*e*).

4. Mr. KRISHNA RAO (India) said that in English the words "helping" and "assisting" used in sub-paragraph (*e*) had exactly the same meaning and hence were pleonastic. One of these words would be enough and the Indian delegation preferred the word "assisting".

5. The Spanish amendment (L.45) might open the door to the listing of numerous classes of nationals who should receive assistance from consulates. He would therefore vote against the amendment.

6. Mr. MARAMBIO (Chile) supported the Spanish delegation's amendment, which was constructive. For the most part, emigrants lived under poor economic and moral conditions and were often ignorant of the laws of the host country and of their legitimate rights under the labour legislation. The Spanish amendment was therefore fully justified.

7. Mr. BARTOŠ (Yugoslavia) said that his country, though not a country of immigration, was concerned about the circumstances of migrant workers and their protection in the host countries — all the more because it was very often impossible for consulates to intervene on their behalf, as their efforts were regarded by the receiving State as interference in its domestic affairs. The Spanish amendment was therefore justified, although its concluding words made the intervention of consulates subject to the consent of the receiving State, a qualification which might render the clause ineffectual.

8. Mr. RUDA (Argentina) said that Argentina, as a country of immigration, was particularly interested in the Spanish amendment. However, the Argentine delegation would vote against the amendment as its text was not satisfactory. It suggested that it was the responsibility of consulates to protect workers and emigrants, whereas they should really be protected by the laws and authorities of the country of immigration.

9. Mr. MIRANDA e SILVA (Brazil) and Mr. SILVEIRA-BARRIOS (Venezuela) said they would vote against the Spanish amendment for the reasons given by the Argentine representative.

10. Mr. PETRŽELKA (Czechoslovakia) said that he hesitated to support the Spanish amendment which, though based on excellent principles, applied only to one particular legal system. The purpose of the future convention was to codify rules of law common to all systems.

11. Mr. PEREZ HERNANDEZ (Spain), replying to the Argentine representative's remarks, admitted that the text of his delegation's amendment was perhaps not perfect; but the principle was sound. Besides, the idea behind the Spanish amendment was that consuls should protect workers and migrants through contacts with the competent authorities of the receiving State and in full agreement with those authorities.

12. Mr. MAMELI (Italy) expressed full support for the Spanish amendment, which was particularly suited to prevailing circumstances.

13. Mr. N'DIAYE (Mali) said that he would vote for the Spanish amendment because it reflected the same concern as that underlying his own delegation's amendment (L.73) to article 5, sub-paragraph (*a*).

14. Mr. PALIERAKIS (Greece) and Mr. EL KOHEN (Morocco) expressed support for the Spanish amendment.

15. The CHAIRMAN put to the vote the Spanish amendment (A/CONF.25/C.1/L.45) to article 5, sub-paragraph (*e*).

The amendment was rejected by 37 votes to 13, with 18 abstentions.

16. The CHAIRMAN stated that the Indian delegation's oral amendment deleting the words " helping and " in sub-paragraph (*e*) was a purely drafting amendment and would be referred to the drafting committee. He put to the vote sub-paragraph (*e*) as drafted by the International Law Commission.

Sub-paragraph (e) was adopted by 63 votes to none, with 1 abstention.

Sub-paragraph (f)

17. The CHAIRMAN drew attention to the amendments submitted by Cambodia (L.38), Mexico (L.53) and the United States (L.69), and four amendments with the same purport submitted respectively by Venezuela (L.20), South Africa (L.25), Austria (L.26) and Australia (L.61). If the Committee approved the principle underlying the four amendments last mentioned, the drafting committee might be instructed to harmonize their texts.

18. Mr. PLANG (Cambodia), introducing his delegation's amendment (L.38), said that in the Sixth Committee of the General Assembly, the Cambodian delegation had pointed out that in some countries, including Cambodia, deeds were drawn up, attested and received for deposit by mayors, provincial governors and notaries. To entrust that function to consuls would deprive those authorities of the legitimate income derived from the fees payable on such deeds. The functions of an administrative nature mentioned in sub-paragraph (*f*) were not defined, and that omission might lead consuls to exceed their competence. The expression " capacities of a similar kind " used in sub-paragraph (*f*) would cover all the administrative functions not referred to in the subsequent paragraphs.

19. Mr. de MENTHON (France) said that, at the 8th meeting, Mr. Žourek, the International Law Commission's Special Rapporteur, had spoken of the distinction drawn by the Commission between consular functions based on customary law, which could not be forbidden by the receiving State, and other functions.[1] The functions defined in sub-paragraph (*f*) belonged to the first category. Accordingly, the French delegation could not accept any amendment that restricted the exercise of those functions. On the other hand, it was not opposed to the Mexican amendment (L.53).

20. Mr. SILVEIRA-BARRIOS (Venezuela), introducing his delegation's amendment (L.20), said that the exercise of consular functions contravening the laws of the receiving State, particularly those concerning public policy, marriage, etc., was inadmissible. The Venezuelan amendment was similar to that of Australia (L.61), with the difference that in the Australian amendment the qualifying clause was placed at the beginning of the paragraph.

21. Mr. RABASA (Mexico) said that the International Law Commission which had prepared the draft was composed of eminent jurists who had studied at length the problems posed by the exercise of consular functions. Hence, the Committee should not lightly depart from the original draft. The sole object of the amendment submitted by Mexico to sub-paragraph (*f*) was to specify more precisely the functions mentioned in that paragraph, by making a distinction between the functions of notary, civil registrar and similar capacities and functions of an administrative nature, without affecting the structure of the original draft. The amendment could be aptly supplemented by the insertion of the restrictive clause contained in the Venezuelan and Austrian amendments (L.20 and L.26).

22. Mr. CAMERON (United States of America) explained that the purpose of his delegation's amendment (L.69) was to replace sub-paragraph (*f*) in the original draft by a new provision which modified the scope of the paragraph and set forth clearly the notarial functions which could be performed by consuls. The International Law Commission's commentary on article 5 showed that the rules applied to the functions of the consul when acting as notary or civil registrar varied from one State to another.

23. In addition, it should be stated clearly that the services rendered by consuls to nationals of the sending State should be for use outside the territory of the receiving State. The United States proposal constituted, therefore, a compromise for the benefit of delegations which hesitated to accept sub-paragraph (*f*) without knowing exactly what functions were meant.

24. He had no objection to the amendments which specified that the exercise of the consul's functions mentioned in sub-paragraph (*f*) should be permissible under the laws of the receiving State. The purpose of his own delegation's amendment was to state unequivocally what those functions were.

25. Miss WILLIAMS (Australia) said that under the laws of some of the States of Australia consular officials were not empowered to act as administrators of estates or to represent persons lacking full capacity. That was why the Australian delegation had proposed its amendment (L.61).

26. Mr. von HAEFTEN (Federal Republic of Germany) said that it was self-evident that acts performed by consuls were subject to the law of the receiving State. For example, in the case of the disposition of the estate of a national of the sending State, the question whether the will received by the consul was valid in the receiving State would be decided by the courts and according to the law of the receiving State.

27. He opposed the Cambodian amendment (L.38) under which a consul could never act as notary in the receiving State. The law of the receiving State was decisive in such matters. The Cambodian amendment also deleted all reference to the " administrative functions " of consuls; but surely a consul had numerous administrative functions: in the matter of social security and pensions, for example, he drew up certificates, and that was an administrative function. It was not possible to define the administrative functions in detail, for they might vary according to the laws of receiving States. On the other hand, he was prepared to accept the provisos proposed by Austria (L.26) and South Africa (L.25).

[1] See the summary record of the eighth meeting, para. 35.

28. Mr. MAMELI (Italy) said that, for the reasons given by the French representative, the Italian delegation would prefer the Committee to adopt the text prepared by the International Law Commission without change.

29. He could not vote in favour of the Mexican amendment, because in some legal systems consuls were not allowed to perform certain functions of civil registrars, for example to solemnize marriages.

30. Mr. BINDSCHEDLER (Switzerland) said that he agreed with the position of the Venezuelan delegation and would vote for its amendment (L.20). Sub-paragraph (*f*) mentioned some consular functions which were not allowed by all States and which therefore did not form part of general customary law. If sub-paragraph (*f*) was adopted as it stood, the effect would to be introduce new rules of international law which would not be accepted by all States. Moreover, paragraph 12 of the International Law Commission's commentary on article 5 stated very clearly that a consul could exercise his functions only if so authorized by the law of the receiving State. That principle should be spelt out in the text of the convention itself. Swiss law, for example, did not empower foreign consuls to solemnize marriage; the marriage must take place before the competent Swiss authorities; otherwise, it was null and void under Swiss law.

31. He was prepared to support the Venezuelan amendment (L.20) and the amendments submitted by South Africa (L.25), Austria (L.26) and Australia (L.61).

32. Mr. FUJIYAMA (Japan) associated himself with the arguments of the preceding speakers. The International Law Commission's text which spoke of consuls performing " certain functions of an administrative nature " was not clear, nor was the expression " civil registrar ". The text proposed by the United States (L.69) was more precise and he was prepared to support it.

33. Mr. PALIERAKIS (Greece) said that he supported the Mexican amendment (L.53) and the Venezuelan amendment (L.20), which expressed the same idea more concisely, and those of Austria (L.26), South Africa (L.25) and Australia (L.61). Certain consular functions could not always be performed by consuls, a fact which was expressly recognized by the International Law Commission in its commentary, and more particularly in sub-paragraph (11) (*c*), which contained a qualifying phrase concerning deeds relating to immovable property situated in the receiving State. The same applied to certain activities of consuls as civil registrars, such as the solemnization of marriages. He considered that the idea should be expressly reflected in the body of article 5, sub-paragraph (*f*).

34. Mr. HEPPEL (United Kingdom) said that he likewise thought that the provisions of sub-paragraph (*f*) should be qualified in the manner proposed by the Venezuelan, South African, Austrian and Australian amendments. He would not, however, go as far as the Cambodian delegation, though he admitted the force of its arguments. The United Kingdom recognized the right of foreign consuls to perform certain notarial functions, but that right was limited. On the other hand, he was not satisfied with the formulae proposed in the Mexican and United States amendments. It would be better if sub-paragraph (*f*) contained only a brief reference to the laws of the receiving State which regulated consular law in the matter.

35. Mr. de CASTRO (Philippines) said that he could not agree with the Cambodian amendment deleting the word " notary ", though he too found the meaning of the words " certain functions of an administrative nature " somewhat obscure. It was hard to see what were the limits of those functions. He supported the delegations which proposed that the paragraph should refer to the laws of the receiving State. The Anglo-American notarial system was currently in force in the Philippines; but his country had also had experience of the Roman law system under Spanish rule. He thought that a fuller enumeration of the notarial functions exercisable by consuls would be preferable. Accordingly, he would vote for the amendment proposed by the United States (L.69).

36. Mr. ENDEMANN (South Africa) said that the notarial deeds executed by consuls were generally designed for use in the sending State. The United States and Mexican amendments said so expressly. It was, however, possible that the laws of the receiving State might be more liberal and authorize certain consular officials to execute notarial deeds that might be recognized as valid in the courts of the receiving State. The South African amendment (L.25) took account of that possibility.

37. In connexion with the second part of his delegation's amendment, he referred to paragraphs 11 and 12 of the International Law Commission's commentary. Paragraph 12 stated specifically that the consul performed the functions of registrar in accordance with the laws of the sending State, but also in accordance with the laws of the receiving State. That applied, for example, to marriages, which the consul could solemnize only if authorized to do so by the law of the receiving State.

38. Mr. ABDELMAGID (United Arab Republic) said that sub-paragraphs (*f*), (*g*) and (*h*) of article 5 were concerned with questions of private international law. The rule to be applied was that the form of the act was governed by the local law: *locus regit actum*. That was why the International Law Commission had made it clear in paragraphs 11, 12 and 13 of its commentary that a consul could only perform the functions in question in accordance with the laws of the receiving State. His delegation was therefore inclined to accept the Austrian amendment (L.26) and the other amendments in the same sense.

39. Mr. MARTINS (Portugal) said that the great majority of the delegations seemed favourably disposed to the proviso proposed by Venezuela (L.20). Portuguese law recognized the right of consuls to act as notaries and registrars, provided that they did not exceed the limits set by the local law. In the case of deeds designed

for use exclusively in the sending State, all deeds executed by consuls were valid. He would therefore support the Mexican proposal (L.53).

40. Mr. BOUZIRI (Tunisia) said that he would have difficulty in accepting sub-paragraph (*f*) as drafted by the International Law Commission, and he would therefore vote in favour of the amendments which qualified that sub-paragraph. The Venezuelan amendment was preferable to the others, both in form and in substance.

41. Mr. DJOKOTO (Ghana) said that he was more and more convinced that sub-paragraph (*f*) as drafted by the International Law Commission was complete and satisfactory. He could not approve the United States amendment (L.69) as its list of consular functions was not exhaustive and might give rise to difficulties. Nor could he support the Venezuelan, South African or Austrian amendments; the restrictive attitude which they reflected should give place to a more progressive and liberal one. The exercise of consular functions should not be hampered.

42. Mr. SHARP (New Zealand) said that he saw no objection to the text of the International Law Commission; but, as the accompanying commentary indicated, certain consular functions could only be performed if they were compatible with the laws of the receiving State. Among the amendments submitted, he would prefer that of South Africa. The United States amendment was attractive, in that it was at the same time general and detailed, and yet clear; but he was not sure that it covered certain notarial functions performed abroad by New Zealand consuls.

43. Mr. PETRŽELKA (Czechoslovakia) said that he preferred the text prepared by the International Law Commission. He entirely shared the opinion of the Ghanaian representative and deplored all the amendments which tended to restrict the original text. The convention should be considered as a whole; it was not necessary to refer to the laws of the receiving State in every article. He was therefore opposed to all the amendments, and in particular to that submitted by the United States (L.69) which, moreover, would be hard to deal with under rule 41 of the rules of procedure.

44. Mr. TSHIMBALANGA (Congo, Leopoldville) said he would support the Venezuelan amendment (L.20), which he preferred to the Australian amendment (L.61) because it was less restrictive.

45. Mr. USTOR (Hungary) said that, while a consul could not contravene the laws of the receiving State and could not perform certain acts reserved to the authorities of that State, such as the solemnization of marriages, that in no way meant that all the activities of consuls had to conform to the laws of the receiving State. If, for example, the law of the receiving State forbade divorce and two nationals of the sending State asked the consul to attest certain documents relating to a divorce, the consul could give the attestation. The receiving State was not concerned in such a case, and the consul could perform those functions without infringing the law of the receiving State. The International Law Commission's text was perfectly clear, and he considered that the amendments which tended to restrict the activities of consuls were unnecessary.

46. Mr. RUDA (Argentina) said that the deeds executed by a consul in the exercise of his notarial functions could be divided into three categories: first, deeds which could be validly executed in the receiving State; second, those which could be executed in the territory of the receiving State, but whose validity was not admitted by local law; and thirdly, deeds designed for use in the sending State. Consuls should unquestionably be in a position to execute the last-mentioned deeds.

47. With regard to the functions of the consul as registrar and to his administrative functions, he said that everything depended on the law of the receiving State. The legal system in Roman-law countries might in some cases be at variance with that of the sending State.

48. Accordingly, he would vote for the first part of the Mexican amendment (L.53) and for the Venezuelan (L.20), South African (L.25) and Australian (L.61) amendments.

49. Mr. TÜREL (Turkey) supported the Venezuelan amendment (L.20), but opposed the Cambodian amendment (L.38).

50. Mr. KIRCHSCHLAEGER (Austria) said that he would vote for the most exhaustive and most detailed draft, that is to say that of Mexico (L.53) or of the United States (L.69), provided that the reference to the laws of the receiving State were accepted.

51. Mr. HUBEE (Netherlands) said that it would be preferable to settle the question through bilateral agreements. Nevertheless, he was prepared to accept, though without enthusiasm, the text proposed by the International Law Commission. He would also vote for the amendments referring to the municipal law of the receiving State.

52. It would be for the drafting committee to choose between the two formulae proposed, on the one hand by Venezuela (L.20), South Africa (L.25) and Austria (L.26) and, on the other hand, by Australia (L.61). The French translation of the Australian amendment seemed to call for express authorization by the law of the receiving State, which struck him as excessive. With regard to the United States amendment (L.69), he did not think he could vote for a text so far removed from that of the International Law Commission, which had been drawn up by experts. Perhaps the United States delegation would be prepared to withdraw its proposal if the other amendments were adopted, so that agreement could be reached on a single formula.

53. Mr. ZEILINGER (Costa Rica) said that while he found the International Law Commission's text of sub-paragraph (*f*) satisfactory, he nevertheless approved the Venezuelan amendment (L.20).

54. Mr. RABASA (Mexico) said that, in view of the preceding statements, certain points should be made clear. The text adopted by the International Law Com-

mission was admittedly excellent but, like every legal text, it could be interpreted in different ways; accordingly, it should be supplemented by a provision specifying that, when acting as notary or civil registrar, the consul's competence derived from the sending State and that his acts, though performed in the territory of the receiving State, produced their effect in that of the sending State. He added that the Venezuelan amendment very aptly supplemented his own delegation's amendment and he was prepared to incorporate it in that amendment.

55. Mr. ENDEMANN (South Africa) said that the Venezuelan amendment (L.20) did not differ materially from the first part of the South African amendment (L.25). To simplify the discussion, his delegation would therefore withdraw the first part of its amendment in favour of the Venezuelan amendment.

56. Mr. PLANG (Cambodia) withdrew his delegation's amendment (L.38) and announced his intention of supporting the Mexican amendment.

57. The CHAIRMAN said that the United States proposal (L.69) concerning sub-paragraph (*f*) was really not an amendment within the meaning of rule 41 of the rules of procedure, but rather a proposal within the meaning of rule 42. Under the last-mentioned rule, it could not be put to the vote until a vote had been taken on the original text, possibly as modified by any amendments that might be adopted.

58. Mr. CAMERON (United States of America) said that, in a desire to co-operate and to lighten the Committee's work, he would withdraw his delegation's proposal (L.69). He hoped that the delegations of Venezuela, Austria and Australia would agree that the drafting committee should be empowered to prepare the final text of sub-paragraph (*f*).

59. The CHAIRMAN noted that there were still four amendments before the Committee: those of Venezuela (L.20), Austria (L.26), Mexico (L.53) and Australia (L.61).

60. Mr. KEVIN (Australia) said that his delegation would withdraw its amendment (L.61).

61. Mr. de ERICE y O'SHEA (Spain), speaking on a point of order, said that the Mexican and Venezuelan amendments could not be combined, because their objects were altogether different.

62. Mr. RABASA (Mexico) said that the amendments, while differing in their objectives, were nevertheless quite compatible and could therefore be combined without difficulty.

63. The CHAIRMAN said that if the Committee adopted the Mexican amendment, embodying that of Venezuela, it would *ipso facto* be rejecting the Austrian amendment and the second part of the South African amendment which, unlike the first part, had not been withdrawn by the South African delegation.

64. Mr. KEVIN (Australia) said he was perfectly willing to withdraw his delegation's amendment in favour of the Venezuelan amendment, but not in favour of the Mexican amendment. He did not approve of the Venezuelan amendment being embodied in that of Mexico. That being so, he wished to maintain his own delegation's amendment.

65. After a procedural discussion, in which Mr. SILVEIRA-BARRIOS (Venezuela), Mr. BOUZIRI (Tunisia), Mr. PALIERAKIS (Greece), Mr. PETRŽELKA (Czechoslovakia), Mr. RABASA (Mexico), Mr. BARTOŠ (Yugoslavia) and Mr. KRISHNA RAO (India) participated, about the question whether the rejection of the combined Mexican and Venezuelan amendments would preclude a separate vote later on the Venezuelan amendment, the CHAIRMAN announced that he would first put to the vote the Mexican amendment (L.53) in its original form, and then the Venezuelan amendment (L.20).

66. In the absence of objections he put to the vote the amendment submitted by Mexico.

The Mexican amendment (A/CONF.25/C.1/L.53) was rejected by 45 votes to 10, with 14 abstentions.

67. Mr. HEPPEL (United Kingdom), speaking on a point of order, said that the phrase which was to be added under the Venezuelan amendment should be preceded by a comma. Without a comma, the meaning of the paragraph would be altered.

68. Mr. SILVEIRA-BARRIOS (Venezuela) agreed.

69. Mr. von HAEFTEN (Federal Republic of Germany) asked if the Australian delegation maintained its amendment, which was the one he preferred.

70. Mr. KEVIN (Australia) replied in the affirmative.

71. The CHAIRMAN put the Venezuelan amendment to the vote.

The Venezuelan amendment (A/CONF.25/C.1/L.20) was adopted by 28 votes to 26, with 12 abstentions.

72. The CHAIRMAN, in announcing the result of the vote, said that the decision implied the rejection of the amendments submitted by Austria (L.26), Australia (L.61) and South Africa (L.25).

The second part of the South African amendment (A/CONF.25/C.1/L.25) was rejected by 37 votes to 8, with 21 abstentions.

73. The CHAIRMAN put to the vote sub-paragraph (*f*) of article 5, which, as amended by the Venezuelan proposal, now read: "(*f*) Acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided always that there is nothing contrary thereto in the laws of the receiving State".

Sub-paragraph (f) as so amended was adopted by 62 votes to none, with 6 abstentions.

74. Mr. BARTOŠ (Yugoslavia), said that he had voted against the Mexican amendment because he did not approve the wording from the technical standpoint.

Sub-paragraph (g)

75. The CHAIRMAN invited debate on sub-paragraph (*g*), together with the relevant amendments (L.14, L.54, L.61, L.69, and L.80).

76. Mr. JELENIK (Hungary), introducing his delegation's amendment (L.14), stated that its purpose was not to add anything new to the text of the International Law Commission, but merely to supplement it.

77. Mr. CAMERON (United States of America), introducing his delegation's amendment (L.69), said that consular functions were divided into two categories; those performed on behalf of governments, and those concerning the private interests of nationals of the sending State. The activities referred to in paragraph (*g*) came under the second heading and were especially important. It was the Conference's responsibility, in formulating the Convention, to recognize previously accepted consular functions, and also to refrain from formulating new rules which would unduly interfere with the domestic affairs of the receiving State. Many States would be concerned if a consul could be authorized to act under sub-paragraph (*g*), for instance, in a fiduciary or representative capacity without the customary authorization, such as a power of attorney, from a non-resident party in interest, or when not qualified by training or not suitably bonded under local law. In each of those cases the interests of the foreign national of the sending State, whether non-resident or minor, as the case might be, could suffer from being inadequately protected. Those and other matters were customarily, and should continue to be, handled by consuls only in the discretion of the local judicial authorities and if permissible under the law of the receiving State. The reference to the law of the receiving State was natural, for the acts in question would be performed in the territory of that State. He urged that serious consideration be given to the implications if the provisions were not amended to take into consideration the domestic law of the receiving State when dealing with matters which primarily affected the interests of nationals of the sending State.

78. Mr. PALIERAKIS (Greece), referring to his delegation's amendment (L.80), said that the capacity to represent persons who were absent or who were not *sui juris* should be expressly mentioned among the consular functions. The amendments submitted by Hungary and the United States were acceptable to the Greek delegation. Nevertheless, he suggested that the United States delegation should consider substituting the words " if there is nothing contrary thereto in " for the words " if permissible under " in its amendment.

79. Mr. HUBEE (Netherlands) drew attention to a discrepancy between the English and French texts of the Australian amendment (L.61). Whereas the English read " So far as the laws of the receiving State do not otherwise provide ", the corresponding French text was " Pour autant que la législation de l'Etat de résidence le permet ". The English text was acceptable to the Netherlands delegation; the French was not.

80. Mr. KRISHNA RAO (India) said the addition proposed by Hungary (L.14) was superfluous. The co-operation in question came within the scope of the establishment of friendly relations. The Japanese (L.54) and Australian (L.61) amendments appeared to be based on the same principle, of which the Indian delegation approved. If they were adopted, the United States amendment would *ipso facto* be disposed of.

81. Mr. von HAEFTEN (Federal Republic of Germany) said he understood that the first part of the Japanese amendment, namely the deletion of the words " both individuals and bodies corporate ", had been withdrawn. He hoped, however, that the reverse was true of the second part, which his delegation would support.

82. The CHAIRMAN confirmed that the second part of the Japanese amendment was still before the Committee.

83. Mr. WESTRUP (Sweden) said he had not been convinced by the arguments in favour of the various amendments to sub-paragraph (*g*). He preferred the text adopted by the International Law Commission. Moreover, the points raised had undoubtedly occurred to the Commission.

84. Mr. MARESCA (Italy) also thought that the draft submitted by the International Law Commission was best, and that there was no need to change it.

85. Mr. DJOKOTO (Ghana) said that the text of the International Law Commission was fully adequate. He had no objection to the amendment by Hungary, although he held no strong views on the matter.

86. Mr. KEVIN (Australia) agreed with the Netherlands representative that the English and French texts of the Australian amendment differed. The original English version was correct.[2]

87. The CHAIRMAN noted that the Japanese and Australian amendments were identical in substance. He suggested that the Committee might vote on both of them simultaneously and leave it to the drafting committee to draw up the final text.

88. Mr. JELENIK (Hungary) said he would not press for a vote on his delegation's amendment.

The United States amendment (A/CONF.25/C.1/L.69) was rejected by 26 votes to 15, with 19 abstentions.

The amendment by Greece (A/CONF.25/C.1/L.80) was rejected by 26 votes to 2, with 29 abstentions.

89. The CHAIRMAN put to the vote the principle of the amendments submitted by Japan and Australia.

The principle of the Japanese and Australian amendments (A/CONF.25/C.1/L.54 and L.61) was adopted by 34 votes to 16, with 10 abstentions.

90. The CHAIRMAN put sub-paragraph (*g*) as amended to the vote.

Paragraph (g), as amended, was adopted by 57 votes to none, with 5 abstentions.

The meeting rose at 6.30 p.m.

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[2] A revised version of the French text was subsequently issued.