

United Nations Conference on Consular Relations

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34th meeting of the First Committee

Extract from the
Official Records of the United Nations Conference on Consular Relations, vol. I
(Summary records of plenary meetings and of meetings of
the First and Second Committees)

The United Kingdom amendment to paragraph 3 (A/CONF.25/C.2/L.138) was adopted by 53 votes to 1, with 12 abstentions.

The amendment by Thailand to paragraph 3 (A/CONF.25/C.2/L.68) was adopted by 24 votes to 19, with 21 abstentions.

48. The CHAIRMAN noted that the adoption of the amendment submitted by Thailand covered paragraph 2 of the Japanese amendment (A/CONF.25/C.2/L.88) and invited the Committee to vote on article 54 as a whole, as amended.

Article 54, as amended, was adopted as a whole by 59 votes to none, with 7 abstentions.

49. Mr. DADZIE (Ghana) explained that he had voted in favour of the United States amendment to paragraph 1 although he had doubts about the proposed wording, the meaning of which seemed to be conveyed by the original draft of the article. He suggested that the matter should be referred to the drafting committee.

50. Mr. CAMERON (United States of America) said that he had pressed for a vote on his amendment because he believed that the change of wording was necessary. As he was a member of the drafting committee he would, however, be glad to examine the matter.

51. Mr. BARTOŠ (Yugoslavia) explained that he had voted for article 54 as a whole because it retained, in substance, the system adopted by the International Law Commission, even though he did not approve of some of the amendments made.

52. Mr. ABDELMAGID (United Arab Republic) said that his delegation had abstained from voting on article 54 as a whole.

The meeting rose at 12.55 p.m.

THIRTY-FOURTH MEETING

Wednesday, 3 April 1963, at 3.10 p.m.

Chairman: Mr. BARNES (Liberia)

Tribute to the memory of Mr. Quinim Pholsena, Minister for Foreign Affairs of Laos

On the proposal of the Chairman, the Committee observed a minute of silence in tribute to the memory of Mr. Quinim Pholsena, Minister for Foreign Affairs of Laos.

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

Article 1 (Definitions)

1. The CHAIRMAN announced that, at the 4th plenary meeting, it had been decided, on the recommendation of the General Committee, that the text

of article 1 prepared by the drafting committee (A/CONF.25/C.1/L.166) should be referred to the First Committee.

2. Mr. WESTRUP (Sweden) said that his delegation had received instructions from the Swedish Government to make a formal statement relating to a number of the draft articles. It had been decided to deliver that statement in connexion with the article containing the definitions.

3. The expression "members of their family", generally qualified by the phrase "forming part of their households" was used in certain articles of the draft. Except for the general statement in paragraph 3 of the commentary on article 48 (Exemption from taxation), the Commission had made no attempt to give any definition of that expression, although the French phrase "faisant partie de leur ménage" used in the 1961 Convention had now been replaced by the words "vivant à leur foyer", which were perhaps a little more specific.

4. During the 1961 Conference, at the 6th meeting of the Committee of the Whole, the United States delegation had tried to introduce a sub-paragraph defining members of the family as the wife and minor or otherwise dependent children of the person concerned and any other dependants who might be classed as members of the family by special agreement. When that proposal had been withdrawn, the Swedish delegation had carried on the endeavour to get some kind of definition adopted. The reason for its insistence had been that Swedish tax laws limited exemption to diplomatic agents, their wives and their children below a specified age. The Swedish delegation's proposals had been opposed by an overwhelming majority, however, and it had not pressed them.

5. The Swedish delegation to the present conference had been informed that its government could relax that somewhat rigid attitude and would be able to accept the international obligations in question. He wished to make it perfectly clear, however, that neither the 1961 Convention nor the draft before the Conference contained any definition of members of the families of consular staff which could in any way prevent States from deciding for themselves what privileges and immunities they considered equitable for the persons concerned. It was true that the last paragraph of the preamble adopted by the First Committee stated that the rules of customary international law should continue to govern matters not expressly regulated by the provisions of the convention, but that clause was not applicable, since the discussions in the International Law Commission and at both the Vienna Conferences led to the conclusion that there were no rules of customary international law on the matter in question.¹ The Commission itself had not claimed that the expression "forming part of their households" was an objective criterion; the status of the persons concerned was not defined by that expression, since there was no limit to the number of persons who could form part of a large household.

¹ For a discussion of this question, see the summary record of the 613th meeting of the International Law Commission, paras. 56 to 93.

6. Mr. KRISHNA RAO (India), speaking as the chairman of the drafting committee, recalled that a proposal had been made that the drafting committee should consider a definition of members of the family of consular staff. The drafting committee had decided not to consider the question, because no specific definition had been submitted; it would, of course, be prepared to take up any written proposal for a definition which might be approved by the First Committee.

7. The CHAIRMAN drew attention to the text of article 1 recommended by the drafting committee (A/CONF.25/C.1/L.166) and, in particular, to the footnote to paragraph 1 (j) suggesting that decisions on the amendments to that sub-paragraph submitted by Brazil and India, and by the Federal Republic of Germany, Japan, and Nigeria should be taken by the First Committee.

8. He invited the Committee to consider that text sub-paragraph by sub-paragraph.

The opening words of paragraph 1 were adopted.

Sub-paragraph (a)

9. Mr. SILVEIRA-BARRIOS (Venezuela) noted with satisfaction that the drafting committee's text of sub-paragraph (a) corresponded to the amendment submitted by his delegation.

Sub-paragraph (a) was adopted.

Sub-paragraph (b)

10. Mr. MARAMBIO (Chile) said he preferred the text of the amendment submitted by Venezuela to the drafting committee, because consular functions were exercised by consular officials, not by consular posts.²

11. Mr. KRISHNA RAO (India), chairman of the drafting committee, said that reference to the exercise of consular functions within the competence of a consular official, as proposed in the Venezuelan amendment, would cause confusion in cases where more than one consular official exercised such functions in a consular district. The drafting committee had decided that the Commission's text was more precise.

Sub-paragraph (b) was adopted.

Sub-paragraph (c)

Sub-paragraph (c) was adopted.

Sub-paragraph (d)

12. Mr. RABASA (Mexico) thought that the words "en calidad de tal" in the Spanish text should be replaced by the words "con éste carácter", which would be closer to the English and French texts.

13. Mr. de ERICE y O'SHEA (Spain) suggested that the Spanish-speaking members of the drafting com-

mittee should confer with the Mexican representative on the wording of the text.

14. Mr. SILVEIRA-BARRIOS (Venezuela) wondered why the words "including the head of a consular post", which seemed to be self-evident, had been retained. His delegation thought it much more necessary to specify that the person concerned must have been duly admitted by the receiving State.

15. Mr. KOCMAN (Czechoslovakia) thought that the addition of the words "in a consulate" at the end of the sub-paragraph would clarify the text.

16. Mr. KRISHNA RAO (India), chairman of the drafting committee, explained that the drafting committee had decided against the words proposed by the Czechoslovak representative for two reasons: first, they were not necessary; and secondly, if they were added, the text would not cover cases in which a diplomatic agent exercised consular functions while acting as a member of a diplomatic mission. The words "in that capacity" had been inserted to cover amendments which stressed the criterion of admission by the receiving State.

17. Mr. MEYER-LINDENBERG (Federal Republic of Germany) said that the purpose of his delegation's amendment in the drafting committee had been to define the term "consular officer" more fully.³ The definition should clearly establish that a consular officer must be both appointed by the sending State and duly admitted by the receiving State.

Sub-paragraph (d) was adopted.

Sub-paragraph (e)

18. Mr. MEYER-LINDENBERG (Federal Republic of Germany) said he wished to submit an oral amendment to sub-paragraph (e). He proposed that the word "executive" should be inserted after the word "administrative", because, in the consular services of a number of countries, including his own, consular employees were sometimes entrusted with executive functions, such as issuing visas and other documents, which could not be described as administrative or technical.

19. Miss ROESAD (Indonesia) said that her delegation was perfectly satisfied with the drafting committee's text and saw no reason for granting executive powers to consular employees.

20. Mr. KRISHNA RAO (India) agreed with the Indonesian representative. A consular employee could not perform executive functions; moreover, the issuing of visas, mentioned by the representative of the Federal Republic of Germany, was an administrative function.

The oral amendment submitted by the Federal Republic of Germany was rejected by 33 votes to 10, with 20 abstentions.

² The Venezuelan amendment had proposed the following wording: " 'Consular district' means the area assigned to a consular official for the exercise of the functions within his competence."

³ The Federal Republic of Germany had proposed in the drafting Committee that sub-paragraph (d) should be amended to read "consular officer means any person duly appointed by the sending State, whether in the capacity of a career consular officer or of an honorary consular officer and admitted as such by the receiving State to the exercise of consular functions."

21. Mr. WARNOCK (Ireland) said he had voted for the amendment because, although his delegation could accept the drafting committee's text, in the Irish consular service a vice-consul was an administrative officer.

22. Mr. DADZIE (Ghana) said that, although he agreed with the idea of the oral amendment, he believed that the reference to administrative functions covered executive functions.

23. Mr. BARTOŠ (Yugoslavia) said he had voted against the amendment because the introduction of the word "executive" was contrary to the spirit of a convention on consular relations. No official could exercise executive functions in a foreign State; executive organs had the power to execute legal acts by the use of force, and it would be most undesirable to introduce the idea that consulates might have that power.

Sub-paragraph (e) was adopted.

Sub-paragraph (f)

Sub-paragraph (f) was adopted.⁴

Sub-paragraph (g)

24. Mr. PAPAS (Greece) thought that sub-paragraph (g) practically duplicated sub-paragraph (h), since the only difference between the two definitions was the inclusion of the phrase "other than the head of a consular post" in sub-paragraph (h). That phrase was redundant, since special provisions relating to the head of post were made wherever necessary in the convention. He therefore proposed the deletion of sub-paragraph (g).

The proposal was rejected by 49 votes to 2, with 8 abstentions.

25. Mr. SILVEIRA-BARRIOS (Venezuela) said that his delegation had intended to vote in favour of the Greek proposal, because it had submitted a similar amendment to the drafting committee.

Sub-paragraph (g) was adopted.

Sub-paragraph (h)

26. Mr. PAPAS (Greece) proposed that the sub-paragraph be deleted.

27. Mr. EVANS (United Kingdom) observed that a comma had been omitted after the words "consular officers" in the English text. That omission entirely changed the meaning.

The Greek proposal was rejected by 55 votes to 1, with 9 abstentions.

28. Mr. MUÑOZ MORATORIO (Uruguay) said that the Spanish text of sub-paragraph (h) gave rise to some problems. It might be better to omit the comma after the words "los funcionarios consulares" and to put a semi-colon instead of a comma after the words "salvo el jefe de oficina consular".

29. Mr. de ERICE y O'SHEA (Spain) said that the Spanish-speaking members of the drafting committee agreed to that change.

30. Mr. DADZIE (Ghana) said he had voted against the Greek proposal because he could not agree that the two sub-paragraphs duplicated each other.

Sub-paragraph (h) was adopted.

Sub-paragraph (i)

31. Mr. PAPAS (Greece) proposed that the words "member of the consular post" should be replaced by the words "consular officer", in order to limit the number of persons enjoying the privileges and immunities in question.

32. Mr. DADZIE (Ghana) thought that the words "and who is not an employee of the sending State" were inappropriate, since in modern consular practice members of the private staff were sometimes employees of the sending State.

33. Miss ROESAD (Indonesia) agreed with the representative of Ghana and asked whether the chairman of the drafting committee could explain why those words had been added.

34. Mr. KRISHNA RAO (India), chairman of the drafting committee, said that the purpose of the addition, which had been suggested by the Belgian delegation, had been to differentiate between persons in the private service of a member of the consulate and persons employed in the domestic service of a consular post, who were referred to in sub-paragraph (f). The same words had been included in the corresponding definition in article 1 (h) of the Convention on Diplomatic Relations.

35. Mr. CAMERON (United States of America) said his delegation felt strongly that the last phrase of the sub-paragraph should be retained. The wording did not exclude the possibility of government employment of persons in private service, but a distinction must be made between persons employed by the sending State and persons employed privately by consular officials.

36. Mr. van SANTEN (Netherlands), supported by Mr. de MENTHON (France) and Mr. VAN HEER-SWIJNGHEL (Belgium), suggested that in the French text the words "qui n'est pas employée de l'Etat d'envoi" should be replaced by the words "qui n'est pas un employé de l'Etat d'envoi".

37. Miss ROESAD (Indonesia) formally proposed the deletion of the words "and who is not an employee of the sending State".

38. Mr. van SANTEN (Netherlands) thought it unnecessary to add the condition that a member of the private staff must not be an employee of the sending State. In any case, the sub-paragraph did not seem to cover the case of a person who was both exclusively in the private service of a member of the consular post and also an employee of the sending State.

39. Mr. KRISHNA RAO (India), chairman of the drafting committee, explained that the reference to

⁴ For a further discussion of sub-paragraph (f), see the summary record of the thirty-fifth meeting, paras. 36 to 42.

exclusive employment had been included to prevent part-time employees from enjoying privileges and immunities. The category of persons referred to by the Netherlands representative was covered by the definition in sub-paragraph (g).

40. Mr. CAMERON (United States of America) fully endorsed the explanation given by the chairman of the drafting committee and pointed out that the idea of two separate definitions had originated in the International Law Commission itself.

41. Mr. BARTOŠ (Yugoslavia) maintained that there was no contradiction between sub-paragraphs (f) and (i). A number of governments employed persons at their consular posts who were assigned to the domestic service of certain officials. The drafting committee had therefore been right in distinguishing between persons who were in contractual service with an official and those who were employees of the sending State.

42. Mr. van SANTEN (Netherlands) and Mr. MUÑOZ MORATORIO (Uruguay) thought it still was not clear whether persons employed exclusively in the private service of a member of the consular post and who were also employees of the sending State were covered by sub-paragraph (f).

43. Mr. DONATO (Lebanon) pointed out that sub-paragraph (f) covered all persons employed in the domestic service of a consular post whether or not they were employed by the sending State. The best solution might be to replace the last phrase of sub-paragraph (i) by the words "without necessarily being an employee of the sending State".

44. Mr. CAMERON (United States of America) thought it was quite clear that persons who were employed by the sending State and were assigned to the private service of a consular officer would be members of the service staff, and not members of the private staff. The concern expressed by the Netherlands and Uruguayan representatives seemed unnecessary.

45. Mr. EL KOHEN (Morocco) said the discussion had shown that the purpose of the last phrase of sub-paragraph (i) was far from clear. The Committee should therefore decide either to delete the phrase, as the Indonesian representative had proposed, or to refer it back to the drafting committee for clarification.

46. Mr. BOUZIRI (Tunisia) agreed with the Netherlands and Uruguayan representatives that a certain category of persons was not covered by the definition in sub-paragraph (i). He suggested that the Committee should vote on the principle that that category was not covered; in the event of an affirmative vote, the drafting committee might be instructed to make good the omission.

47. Mr. KRISHNA RAO (India), chairman of the drafting committee, asked representatives who believed that a category of persons had been omitted from the article to submit a definition in writing, in order to assist the drafting committee.

48. The CHAIRMAN invited the Committee to vote on the Indonesian proposal to delete the last phrase of sub-paragraph (i).

The proposal was rejected by 33 votes to 17, with 14 abstentions.

49. Mr. ABDELMAGID (United Arab Republic) suggested that the order of sub-paragraphs (f), (g) and (h) should be reversed. That would clarify the relationship between sub-paragraphs (f) and (i); moreover, it was the order adopted by the International Law Commission and in the corresponding article of the draft on diplomatic relations.

50. Mr. KRISHNA RAO (India), chairman of the drafting committee, explained that the drafting committee had changed the order used by the International Law Commission because sub-paragraphs (d), (e) and (f) defined consular officers, consular employees and members of the service staff, who were referred to immediately afterwards in sub-paragraph (g) as members of the consular post.

51. Mr. van SANTEN (Netherlands) said that the position of persons who were employed exclusively in the private service of a member of the consular post and who were employees of the sending State might be clarified by adding the words "or of a member of the consular post who is an employee of the sending State" at the end of sub-paragraph (f). He hoped that it would be possible to revert to that sub-paragraph, although it had already been adopted. The vote on the Indonesian proposal might lead to the conclusion that the Committee believed that the category of persons in question was covered by sub-paragraph (f); he was not sure whether that was in fact the case, however, in view of the Tunisian representative's suggestion.

52. The CHAIRMAN invited the Committee to vote on the Lebanese proposal to replace the last phrase by words "without necessarily being an employee of the sending State".

The proposal was rejected by 26 votes to 16, with 21 abstentions.

Sub-paragraph (i) was adopted by 48 votes to 3, with 13 abstentions.

53. Mr. van SANTEN (Netherlands) said that, since the Lebanese proposal had been rejected, he felt obliged to submit to the drafting committee, as a formal amendment, the suggestion he had made before the vote.

54. The CHAIRMAN suggested that the two-thirds majority rule for the reconsideration of proposals should be waived in the case of the Netherlands amendment to paragraph 1 (f).

It was so agreed.⁵

⁵ For the Netherlands proposal, see document A/CONF.25/C.1/L.167. Sub-paragraph (f) was further discussed at the thirty-fifth meeting (see paras. 36 to 42 of the summary record of that meeting).

Sub-paragraph (j)

55. Mr. MEYER-LINDENBERG (Federal Republic of Germany) said that the amendment submitted by his delegation to the drafting committee was similar to those of Japan and Nigeria.⁶ An extension of the definition of consular premises to include the residence of the head of consular post would bring it into line with the corresponding definition in article 1, sub-paragraph (i), of the Vienna Convention on Diplomatic Relations. His government owned or rented many buildings abroad for use as residences by its consuls. Many foreign States owned premises in the Federal Republic of Germany and used them for the same purpose; they were granted full exemption from taxation. He urged the adoption of the proposed rule, which would contribute to the development of international law.

56. Mr. DONOWAKI (Japan) said that such an extension of the definition was necessary in practice, in order to provide for exemption from taxation. He pointed out that when, at its 31st meeting, the Second Committee had adopted paragraph 1 (b) of article 48, it had done so subject to the provisions of article 31 on the exemption of consular premises from taxation. It was all the more necessary to exempt the residence of the head of post from taxation because it was becoming increasingly common for the consulate and the consul's residence to be in the same building.

57. Mr. MIRANDA e SILVA (Brazil) said that the joint amendment submitted to the drafting committee by Brazil and India, inserting the word "exclusively" before the words "for the purposes of the consular post", would make it possible to simplify the wording of articles 30, 58 and 59. All those articles referred to premises used exclusively for consular purposes. The amendment would also help to prevent abuses in the case of consulates headed by honorary consuls, in which consular functions played a secondary part.

58. The proposals to extend the definition to cover a consul's residence should not be entertained by the Committee, because that would mean reconsidering the Second Committee's decision at its 9th meeting, to reject an amendment to article 30 (A/CONF.25/C.2/L.24) submitted by Spain, extending the inviolability of consular premises to the residence of the head of consular post.

59. Mr. de ERICE y O'SHEA (Spain) said that his amendment to article 30 had not been adopted by the Second Committee, because that Committee had wished to leave open the question of the definition of "consular premises" in article 1 (j). There had been no intention of the part of the Second Committee to exclude the residence of the head of consular post from inviolability. In fact, extension of the definition of consular premises to cover the residence of a career consular officer who was head of post was vital to the performance of consular functions. It was the only appropriate way to ensure the inviolability of his residence, without which his

personal inviolability would be illusory. Such extension was also necessary in view of the provisions of article 32 on the inviolability of consular archives, because some of the archives might well be kept at the residence of the head of post. The same was true of the provisions adopted as paragraph 4 of article 30, on the immunity of the means of transport of the consulate from requisition.

60. He appealed to the Committee to take into consideration the position of small countries such as Spain, which could not afford to acquire large premises for their consulates. Such countries were obliged to rent an office near the centre of any city where they had a consulate, and a separate residence for the head of consular post. The provisions of the convention on consular relations would be applied by minor local officials, generally far away from the capital. The head of consular post therefore needed protection from possible harassment even more than the head of a diplomatic mission.

61. Mr. DADZIE (Ghana) said he would support the amendment submitted by Brazil and India on the understanding that it would exclude premises used for other than consular purposes, but would not exclude the residence of the head of post. He fully supported the broader definition of consular premises, for the reasons given by the Spanish representative. It would be paradoxical not to protect the head of consular post in his own home. The proposed extension of the definition would assist him in the performance of his consular functions.

62. Mr. EVANS (United Kingdom) supported the amendment by Brazil and India, which would make it clear that the privileges and immunities granted by the convention were extended only to buildings or parts of buildings used exclusively for the purposes of the consular post. On the other hand, he strongly opposed the proposals for a broader definition of "consular premises". Those proposals could not be adopted, if the Committee were to abide by the decision taken by the Second Committee on article 30, paragraph 2. The first sentence of that paragraph provided protection for "that part of the consular premises which is used exclusively for the purpose of the work of the consulate". That wording was clearly intended to exclude the residence of the head of consular post.

63. He drew attention to the statement in paragraph 9 of the International Law Commission's commentary on article 30 that some bilateral consular conventions even recognized the inviolability of the consul's residence. The commentary added that "The municipal law of some (though of very few) countries also recognizes the inviolability of the consul's residence". It was thus clear that the proposed broader definition would not reflect existing customary international law or the contemporary practice of States. It would be an innovation, and one for which his delegation saw no justification. The fact that article 1 (j) of the Vienna Convention on Diplomatic Relations defined the premises of a diplomatic mission as "including the residence of the head of the mission" was not a valid argument for extending the definition of consular premises. The head of a diplomatic mission enjoyed a traditional personal

⁶ In the amendment by the Federal Republic of Germany, it had been proposed to add the words "including the residence of the head of consular post" at the end of sub-paragraph (j). The amendments by Japan and Nigeria were to the same effect.

inviolability and immunity; the inviolability of his residence could be said to be part of that personal inviolability. A consul, on the other hand, enjoyed only a limited measure of inviolability. Moreover, the head of a diplomatic mission normally held the rank of ambassador or minister plenipotentiary, whereas the head of a consular post might well be a vice-consul or a consular agent and it would be quite inappropriate to grant inviolability to the residence of a person of that rank.

64. In reply to the arguments put forward by the Spanish representative, he pointed out that the head of consular post carried with him, wherever he went, the limited measure of personal inviolability he enjoyed; he would therefore retain that inviolability in his residence, without it being included in the definition of consular premises. The same argument applied to the inviolability of consular archives. Article 32 laid down that those archives were inviolable "at any time and wherever they may be"; they would therefore retain their inviolability in the consul's residence, even if that residence were not inviolable. He stressed the fact that the proposed broadening of the definition of consular premises would make it more difficult for many governments to ratify the convention.

65. Mr. BINDSCHIEDLER (Switzerland) supported the amendment by Brazil and India, which would usefully clarify the definition by drawing a clear distinction between consular premises properly so called, which enjoyed special protection, and other premises used by the members of the consulate.

66. He was against extending the definition of consular premises in the manner proposed, for the same reasons as the United Kingdom representative. Under customary international law, a consular official enjoyed only limited protection, extended to him solely for the exercise of his functions. In addition, the consular archives were inviolable. Existing international law went no further, however, and the proposed rule was thus an innovation. Of course, the Conference could draw up a new rule, but it should have some good reason for doing so. For his part, he did not believe that the proposed broadening of the definition of consular premises would be a step forward in the development of international law.

67. No valid analogy could be drawn between the head of a consular post and the head of a diplomatic mission. The tasks they performed were entirely different. The head of a diplomatic mission was the official representative of the sending State; since his functions were of a much more delicate nature than those performed by a consular official, it was necessary that inviolability should extend not only to his person but to his residence as well.

68. Experience had shown that the existing rules of international law were sufficient to safeguard the exercise of consular functions and that it was not at all necessary to extend the protection of consular premises to the consul's residence. Of course, the receiving State was always free to extend either unilaterally, or on a basis of reciprocity, a greater measure of inviolability than that required by international law.

69. In recent years, with the expansion of diplomatic missions and consular posts, and with the growth of international organizations, the number of persons enjoying privileges and immunities had greatly increased. Privileges and immunities derogated from the sovereignty of the receiving State and were at variance with the principle of equality before the law; hence they should not be extended without serious grounds and his delegation would oppose the proposed innovation, which might lead to abuses.

70. Mr. DONATO (Lebanon) supported the amendment submitted by Brazil and India. As to the proposals to broaden the definition of consular premises, he noted that the Spanish representative had assumed that only career consular officers in charge of a consular post would be covered. If that view were shared by the sponsors of the proposals he could support them; otherwise, he would have to abstain from voting.

71. Mr. de MENTHON (France) said that, while he favoured the amendment submitted by Brazil and India, he could not support the proposals to broaden the definition. He agreed with the Brazilian representative that adoption of the broader definition would conflict with the Second Committee's decision on article 30 — a decision which had been taken in the light of the definition of consular premises formulated by the International Law Commission, which did not include the residence of the head of post. The proposed broadening of the definition would have the effect of extending to the consul's residence not only inviolability (article 30), but also exemption from taxation (article 31), which would be going much too far. A consul should not be given the same status as an ambassador.

72. Another argument against the broader definition was that, if it were adopted, the head of a consular post would enjoy inviolability and exemption from taxation, whereas the head of the consular section of a diplomatic mission would not. Such a situation would be paradoxical, because the head of such a consular section generally held a higher rank than the head of a consular post.

The meeting rose at 6.5 p.m.

THIRTY-FIFTH MEETING

Thursday, 4 April 1963, at 10.35 a.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 1 (Definitions) (continued)

Sub-paragraph (j) (continued)

1. The CHAIRMAN invited the Committee to continue its consideration of the text of article 1, sub-paragraph (j), as submitted by the drafting committee (A/CONF.25/C.1/L.166).