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India, Ireland and Australia largely reflected a common concern. Yet the difficulties should not be over-estimated, nor should the Committee go to the other extreme and simply delete the sub-paragraphs in question. A person's death produced certain important consequences which the Committee should not ignore. The Indian amendment tried to offer a practical solution to the problem by simplifying sub-paragraph (*b*). The Polish and Irish amendments were based on the same idea. On the other hand, he thought that the Australian amendment would put the local authorities to a great deal of trouble, for apparently it meant that the receiving State would be expected to institute inquiries for the next-of-kin of the deceased, even in the sending State.

38. Mr. WOODBERRY (Australia) said he could not agree to the scope of his amendment being extended to cover sub-paragraph (*b*), as had been suggested by the representative of the Federation of Malaya.

39. Mr. BLANKINSHIP (United States of America) said that he recognized that the receiving State had a moral duty to communicate particulars to the consulate of the receiving State in the cases contemplated. Indeed, the United States scrupulously conformed to existing practice in that respect. The United States was, moreover, at one and the same time a sending and a receiving State, and he was glad to say that the attitude of the authorities of States in which American citizens were residing was admirable. Nevertheless, he did not think that a moral duty should be transformed into a legal obligation without qualification.

40. Mr. WASZCZUK (Poland), replying to the representative of the United Kingdom, said that the conventions to which he had referred mentioned at least the obligation to inform the consular authorities of the sending State in cases of death.

41. Mr. ANGHEL (Romania) said that his delegation's amendment (L.93) was not incompatible with the Indian, Australian, Swiss, Polish, Irish and Austrian amendments which, in the final analysis, had the same purport.

42. Mr. HEUMAN (France) moved the closure of the debate under rule 26 of the rules of procedure.

43. In the absence of objection, the CHAIRMAN declared the discussion closed. He then put to the vote the various amendments relating to paragraphs (*a*) and (*b*) of draft article 37.

The United States amendment (A/CONF.25/C.2/L.4) and the Thailand amendment (A/CONF.25/C.2/L.66) were rejected by 46 votes to 11, with 10 abstentions.

The Irish amendment (A/CONF.25/C.2/L.77) was adopted by 32 votes to 12, with 19 abstentions.

The Polish amendment (A/CONF.25/C.2/L.94) was adopted by 40 votes to 10, with 15 abstentions.

The Australian amendment (A/CONF.25/C.2/L.144) was rejected by 33 votes to 18, with 16 abstentions.

The Austrian amendment (A/CONF.25/C.2/L.49) was adopted by 35 votes to 12, with 19 abstentions.

The Indian amendment (A/CONF.25/C.2/L.113) was rejected by 38 votes to 7, with 24 abstentiond.

The Romanian amendment (A/CONF.25/C.2/L.93) was rejected by 29 votes to 12, with 26 abstentions.

The Swiss amendment (A/CONF.25/C.2/L.79) was adopted by 35 votes to 14, with 19 abstentions.

The introductory sentence and paragraphs (a) and (b) of article 37, as amended, were adopted by 56 votes to 3, with 10 abstentions.

44. Mr. BOUZIRI (Tunisia) explained that he had voted against the United States amendment which went too far and did not correspond either to existing practice or to any desirable practice. On the other hand, he had voted for the Irish amendment, which established a judicious balance between the rights of the sending State and the obligations of the receiving State.

45. Mr. CHIN (Republic of Korea) said that he had voted against the United States and Thailand amendments because a large number of Koreans, students in particular, were living abroad and their families as well as the Korean authorities were anxious to know where they were living and under what conditions.

The meeting rose at 6.35 p.m.

TWENTIETH MEETING

Tuesday, 19 March 1963, at 10.40 a.m.

Chairman: Mr. GIBSON BARBOZA (Brazil)

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

Article 37 (Obligations of the receiving State) (*continued*)

1. The CHAIRMAN invited the Committee to continue its consideration of article 37.

2. Mr. BLANKINSHIP (United States of America) explained that his delegation had abstained at the previous meeting from voting on paragraphs (*a*) and (*b*) of article 37 because it wished to evaluate fully, before the final vote, the new obligations imposed by those paragraphs in conjunction with the additional obligations imposed by article 36 as approved by the Committee. The obligations placed upon the receiving State, for example, to communicate periodical lists of detained foreign nationals and to report all deaths of foreigners, extended well beyond the existing rules of international law. The implications of the new obligations were far-reaching and the manner in which they could be put into effect in many of the contracting States was doubtful. The United States wished to avoid undertaking obligations it would be unable or unwilling to carry out fully in practice.

3. The CHAIRMAN invited the Committee to consider sub-paragraph (*c*) of article 37, the amendment thereto by Austria (L.49), and the proposals for new sub-paragraphs by Brazil (L.63) and the Federation of Malaya (L.76).[1]

[1] For the list of amendments to article 37, see the summary record of the nineteenth meeting, footnote to para. 16.

4. Mr. SALLEH bin ABAS (Federation of Malaya) said that, in view of the rejection by the Committee of the amendments proposed to paragraph (*a*) by Australia, the United States and Thailand, it seemed likely that his delegation's amendment to paragraph (*c*) would be rejected automatically. He would therefore withdraw his amendment in order to facilitate procedure, although the text of paragraphs (*a*) and (*b*) as approved by the Committee was not acceptable to his delegation.

5. Mrs. VILLGRATTNER (Austria) said that in view of the decision taken by the First Committee at its 13th meeting with regard to the definition of " vessel " in article 5, and in a spirit of compromise she would withdraw the amendment (L.49) submitted by her delegation.

6. The CHAIRMAN said that, since all the amendments to sub-paragraph (*c*) had been withdrawn, he would consider that the Committee had adopted the International Law Commission's text of that sub-paragraph.

7. There remained for consideration the Brazilian proposal (L.63) for a new sub-paragraph (*d*).

8. Mr. NASCIMENTO e SILVA (Brazil) said that his delegation's proposal was self-explanatory. By informing the competent consulate as soon as possible of the names of the nationals of the sending State who had acquired the nationality of the receiving State, the authorities of the receiving State would be co-operating with the sending State and helping to avoid possible friction. It was realized that, once again, the proposal might involve additional administrative work for the authorities of the receiving State. It would not, however, impose such a heavy burden as the other obligations which the Committee had decided should be imposed on the receiving State under articles 36 and 37. When the receiving State granted naturalization to a foreign national it was automatically aware of the change of citizenship and of the previous nationality of the person concerned. To furnish the required information would be merely a routine addition to such duties as, for example, supplying the consulate with information on persons who were detained or had died. The proposed text provided that the information should be supplied " as soon as possible ", and therefore at the convenience of the receiving State. According to the laws of certain States, a citizen who acquired the nationality of another State automatically lost his original nationality. It was in the interests of the sending State to know which nationals could still ask the consulate for protection and which were no longer entitled to do so. The proposed addition would have the advantage of clarifying the situation for the receiving State and of eliminating sources of friction. Even if the laws of the sending State did not automatically deprive the person concerned of his original nationality, it was a well-established rule of international law, substantiated by The Hague Protocol of 1930, that the sending State could not exercise protection in the case of persons who also possessed the nationality of the receiving State. His delegation was, however, anxious to compromise and would welcome the views of other delegations on the matter. Whatever the decision of the Committee, the Brazilian authorities would continue their practice of informing the competent consulate when one of its nationals acquired Brazilian nationality.

9. Mr. HART (United Kingdom) said that although it might be convenient in some circumstances to have the information proposed in the Brazilian amendment, the obligation to provide it would add unnecessarily to the administrative burden of the receiving State. It might not be too inconvenient to inform the consulate where a person had received the nationality of the receiving State by naturalization, but it would be difficult to do so in cases where nationality was not acquired formally but automatically, by the operation of law, as occurred, for example, by marriage in many countries, although not in the United Kingdom. Under United Kingdom law, citizenship of the United Kingdom and colonies was acquired automatically by a child who was adopted by a citizen of the United Kingdom and colonies and in some cases citizenship depended on the birth being registered at a British consulate. In such cases it would be difficult to supply the required information. The subject of the Brazilian amendment was, moreover, rather a matter for agreement between two States than a specifically consular matter. The words " the competent consulate " in the Brazilian amendment illustrated how inappropriate it would be to introduce the provision into a consular convention. The nationality of the receiving State might be acquired quite irrespective of any particular geographical area — for example, by marriage in the sending State or in a third country, and in such cases the matter would be outside the competence of any consulate. Should any serious practical difficulty arise in a particular country it would be preferable to deal with it by bilateral agreement between the States concerned. His delegation hoped, therefore, that the Brazilian delegation would not press its amendment.

10. Mr. MARESCA (Italy) supported the amendment, which offered a practical solution to an important question. Unless a consulate was able to ascertain whether or not a person possessed the nationality of the sending State, it was deprived of the very basis on which it carried out its functions. It was true that there might be a certain limitation of the information available in regard to such cases as nationality acquired by marriage, for example, but in the case of formal acquisition of nationality it was the duty of the receiving State to communicate the information to the State of origin, and the natural channel for communicating that information was the competent consulate.

11. Mr. JESTAEDT (Federal Republic of Germany) supported the Brazilian amendment. His country had found that the matter was of great importance in the work of consulates, and satisfactory bilateral agreements had been concluded with a number of States.

12. Mr. PEREZ-CHIRIBOGA (Venezuela) opposed the amendment on the same grounds as those on which his delegation had already objected to certain provisions of articles 36 and 37 which would place an excessive administrative burden on the receiving State. Venezuelan

nationality was acquired only after certain legal formalities had been completed and notice of the acquisition was published in the daily Official Gazette. It did not seem too much to ask that consulates should consult the official gazette in order to ascertain whether any of their nationals had acquired Venezuelan nationality.

13. Mr. KHOSLA (India) said that a provision which concerned the acquisition of nationality by a national of the sending State had no place in an article defining the obligations of a receiving State. The matter should be governed by bilateral agreements between States, as had been done in many cases in accordance with the widely varying national laws. It would, moreover, be impossible to give effect to the Brazilian amendment since the persons concerned might be unaware that they had acquired a new nationality under the law of the receiving State, for example, by marriages; it would be too onerous for the receiving State to trace all such cases.

14. Mr. BOUZIRI (Tunisia) supported the amendment, which seemed opportune and useful. It was designed to facilitate the work of the consulate which must be informed if a national under its protection changed his nationality. The provision would obviate friction in certain cases. It would, for example, render unnecessary the intervention of the consulate in a case where an arrested person whom it sought to protect was found to have changed his nationality. There was also the possibility that a person might have acquired the nationality of the receiving State and yet continue to benefit from assistance from the consulate, which was unaware of the change. It was true that in Tunisia the name of a person who adopted Tunisian nationality was published in the Official Gazette, but that practice might not obtain in all countries.

15. Mr. LEVI (Yugoslavia) supported the amendment. It was true that the laws of nationality throughout the world were extremely complex. Some of the difficulties mentioned by the representative of the United Kingdom might, however, be avoided in view of the adoption by the Committee of the amendment by Ireland to the opening phrase of article 37, which would govern the proposed new paragraph; under that proviso it would be the duty of the authorities of the receiving State to furnish the information only if it was obtainable by them.

16. Mr. MOUSSAVI (Iran) welcomed the Brazilian amendment as a valuable addition to the provisions of article 37.

17. Mr. SALLEH bin ABAS (Federation of Malaya) said that, although his delegation appreciated the spirit of the amendment, the obligation on the receiving State was far too onerous. The purpose of the Conference was to codify existing rules of international law and not the special rules which certain countries found it convenient to adopt in bilateral agreements. The subject of the Brazilian amendment would be covered more appropriately by such special arrangements, as would be allowed under article 70 of the draft convention.

18. Mr. BLANKINSHIP (United States of America) opposed the amendment. The laws of nationality were so complex that it would be impossible to make adequate provision in a brief text as proposed by the Brazilian delegation. In certain cases bilateral agreements between States could allow useful exchanges of information. In recent years extensive studies had been made by governments and by international organizations, such as UNESCO, of methods of exchanging vital statistics between governments and of making such statistics readily available to the countries of the world. It would be in the interests of all to continue that work. It was realized that the intention of the amendment was to facilitate the task of the consulate in such matters as the payment of social security and the granting of assistance to the nationals under its protection. In each case, however, it was incumbent on the consular authorities that offered help to discover whether or not the person concerned was a national of the sending State. Such a procedure seemed normal and would provide ample protection for the States concerned. To add to the obligations already placed on the receiving State might ultimately prevent a wide acceptance of the convention. The purpose of the Brazilian amendment could best be accomplished in other ways and his delegation would strongly oppose it.

19. Mr. JAMAN (Indonesia) said that in view of the great differences in the laws of the various countries the acquisition of nationality was not a suitable subject for inclusion in article 37. In Indonesia, consulates could ascertain from the official gazette whether any of their nationals had acquired Indonesian nationality. His delegation would vote against the amendment.

20. Mr. ADDAI (Ghana) said that the amendment as drafted would impose too great a burden on the receiving State. His delegation would, however, be able to accept the amendment if it was modified to indicate that the receiving State need furnish the relevant information only if it was readily available, in accordance with the amendment already adopted by the Committee to the opening phrase of article 37.

21. Mr. NASCIMENTO e SILVA (Brazil) said that in view of the support expressed for the amendment, his delegation would press it to a vote. The most serious criticism had been that the proposal would create an additional burden for the receiving State. The provisions already accepted by the Committee in paragraphs (*a*) and (*b*) of article 37 would, however, impose much more difficult obligations than the Brazilian amendment. In reply to the representative of Ghana, he pointed out that the words " if the relevant information is available to the competent authorities " were already contained in the opening phrase of the article, as amended, and would consequently govern the proposed additional paragraph. The relevant information was in fact almost always available, for example, in the Official Gazette of the country in question, and an extract from that information would involve very little extra work for the competent authorities.

22. The amendment was based not on the provisions of bilateral agreements but on practice in countries such

as Brazil, where the information was supplied to the competent authorities of the sending State. There was no intention of including rules concerning the acquisition or loss of nationality. The sole purpose of the amendment was to facilitate a consulate's performance of its duty to protect the nationals of the sending State.

23. The CHAIRMAN put the Brazilian amendment (A/CONF.25/C.2/L.63) to the vote.

The amendment was rejected by 21 votes to 20, with 18 abstentions.

Article 37 as a whole, as amended, was adopted by 53 votes to 1, with 5 abstentions.

24. Baron van BOETZELAER (Netherlands) explained that his delegation had voted against the Brazilian amendment, not because it was opposed to the principle, but because being limited to the acquisition of nationality by naturalization it would have been almost impossible to apply. It was more a subject for bilateral agreement.

Article 38 (Communication with the authorities of the receiving State)

25. The CHAIRMAN said that the amendments submitted by Japan (L.57), the Byelorussian Soviet Socialist Republic (L.103), Poland (L.111) and Belgium (L.129) had been withdrawn in favour of an amendment jointly proposed by those delegations (A/CONF.25/C.2/L.145).

26. Mr. VRANKEN (Belgium) said that the International Law Commission's draft of article 38 seemed to avoid specifying the rights of consular officials to address themselves to the local authorities of their district and the central authorities of the receiving State. The proposed amendment was in accordance with existing international law and practice and drew a clear distinction between the right of consular officials to address the local authorities of their district, which was recognized under existing international law, and the right of consular officials to address the central authorities of the receiving State, which existed only in so far as it was allowed by the laws, regulations and usages of the receiving State and by the relevant international agreements.

27. One small drafting point arose as a result of the non-restrictive text of article 5 approved by the First Committee. It might be left to the drafting committee to decide whether the phrase " in the exercise of the functions specified in article 5 " should be retained.

28. The CHAIRMAN said that if the joint amendment was adopted the point would be referred to the drafting committee.

29. Mr. WASZCZUK (Poland) said that the right of consular officials to address themselves to the local authorities of their district had been established in several bilateral agreements and was mentioned, for example, in article 24 of the consular convention concluded between France and Sweden on 5 March 1955 and in a number of consular conventions concluded between Poland and other States. In certain countries consular officials might address the local authorities but not the central authorities unless the sending State maintained no diplomatic mission in the receiving State or unless the diplomatic mission was unable to act. Under the terms of a recently concluded agreement, consular officials had the right to address both local and central authorities with the exception of the Ministry for Foreign Affairs, which must be approached by the diplomatic mission.

30. Mr. HEUMAN (France) questioned the Belgian representative's contention that the reference to article 5 was a matter of drafting. It was on the contrary a fundamental question. He reminded the Committee that, at the 12th meeting, he had objected to a verbal amendment by Nigeria, proposing a reference to article 5 in article 33, on the grounds that since article 5 did not contain a complete list of consular functions, the reference might be taken as implying that the functions not mentioned would not be subject to the facilities in article 33. The representative of Nigeria had recognized the implications of his amendment and withdrawn it.

31. The same question arose with article 38; the reference was already in the International Law Commission's draft and the fact that the First Committee had added a list of other functions to article 5 did not, in his view, lessen the danger. He therefore inquired if the sponsors of the amendment would agree to delete the words " specified in article 5 " and replace the words " the functions " by " their functions ".

32. Mr. MARESCA (Italy) said that the amendment dealt with one of the most important and interesting subjects in consular relations: the authorities in the receiving State which the consul was entitled to address. The consul was concerned solely with matters in his own district and should normally address only the local authorities. If he was to be given the right to address the central authority in certain circumstances, it should be clearly stipulated that the right was valid only for matters affecting his own district. Although the reference to article 5 seemed superfluous, he would support the joint amendment if it included the limitation he had indicated. Otherwise he would request a separate vote on the two parts.

33. Mr. LEVI (Yugoslavia) said he was not satisfied with the joint amendment and preferred to retain the International Law Commission's draft, which was a compromise between two distinct points of view. Yugoslavia was made up of six republics, each with its own local and central authorities. If the consul had the right to address the central authority, the authorities in the republics would be by-passed. For his own country, consuls should have the right to address the appropriate authority in the republic concerned, which would be covered by the reference to competent authorities in the International Law Commission's draft, but the joint amendment only referred to the right to address local and central authorities. He would have voted for the Byelorussian amendment (L.103) but could not support the joint amendment.

34. Mr. EVANS (United Kingdom) considered the International Law Commission's draft satisfactory. The

joint amendment would also be acceptable but he would ask the co-sponsors if they would be willing to accept some minor adjustments.

35. First, he agreed with the French proposal that the first line should read: " in the exercise of their functions, . . ." Secondly, he would like to see the word " if " in paragraph (*b*) replaced by the words " to the extent that ", so as to express more clearly the distinction between matters on which direct access to the central authorities was permissible and matters on which it was not. Thirdly, he believed that replacement of the word " and " before the words " by the relevant international agreements " in paragraph (*b*) by the word " or " would be in keeping with the intention of the sponsors.

36. Mr. HARAZSTI (Hungary) supported the third suggestion by the United Kingdom representative.

37. Mr. KHOSLA (India) remarked that the International Law Commission's draft was divided into two parts. The first dealt with the consul's right to address the competent authorities and the authorities that could be so addressed. The International Law Commission rightly left it to the receiving State to decide which were the authorities concerned and thus provided for the case of particular countries such as Yugoslavia and for cases where the consul might have to address the central authority in the absence of a diplomatic mission. He suggested that the drafting committee might consider a more specific wording by referring to the competent authorities in both cases. The second part referred to the important matter of procedure for addressing authorities and left it to the receiving State to decide the procedure by which a consul could approach the central authority — either direct or through the local authority — as well as the procedure for addressing the authorities of the receiving State in general. It was necessary to retain that paragraph.

38. He could not support the joint amendment because it said nothing about procedure. He had no objection to the French representative's suggestion, for similar action had been taken in connexion with article 33.

39. Mr. AVAKOV (Byelorussian Soviet Socialist Republic), speaking on behalf of the sponsors, agreed to the deletion of the reference to article 5 and to the replacement of the word " and " by " or " in paragraph (*b*).

40. Mr. VRANKEN (Belgium), also speaking on behalf of the sponsors of the joint amendment, said he would be willing to insert the word " competent " before " authorities ".

41. Mr. LEVI (Yugoslavia) inquired if the authors would agree to replace the words " central authorities " in paragraph (*b*) by the words " other authorities ".

42. In the absence of further comment, the CHAIRMAN invited the Committee to vote on the revised version of article 38 contained in the joint amendment (A/CONF.25/C.2/L.145).

Article 38, as revised by the joint amendment, was adopted by 52 votes to none, with 13 abstentions.

43. Mr. MARESCA (Italy) explained that he had voted for the revised article on the understanding that the consul could address the central authorities only on affairs concerning his consular territory.

44. The CHAIRMAN said that the United Kingdom representative's suggestion that the word " if " in paragraph (*b*) should be replaced by the words " to the extent that " would be referred to the drafting committee.

Article 39 (Levying of fees and charges and exemption of such fees and charges from dues and taxes)

45. The CHAIRMAN invited the Committee to consider article 39 and the joint amendment proposed by Argentina, Belgium, Brazil, the Netherlands and Venezuela (A/CONF.25/C.2/L.130).

46. Mr. NASCIMENTO e SILVA (Brazil) presented the joint amendment on the right of the consulate to transfer, in any currency, the fees and charges referred to in paragraph 1 of the International Law Commission's draft. Agreements to establish a consulate automatically included the right to levy fees and charges in the receiving State, but experience in many countries showed there should also be a provision for transferring the amounts levied, as a natural consequence of the right to levy. Normally such sums could be used within the receiving State — to help nationals of the sending State, to pay consular or diplomatic staff, or for other purposes; but cases sometimes arose where transfers were necessary, either because the receipts were large and consulates were small or because fiscal control in the sending State was exercised by a central bank or other agency responsible for public funds. The suggestion that the sending State should be allowed to select the currency was made to meet the difficulties of countries like his own whose currency did not have a wide circulation and was often difficult to obtain.

47. Mr. BOUZIRI (Tunisia) opposed the joint amendment because its adoption might constitute an interference in matters that were solely the concern of the receiving State. The practice proposed was entirely contrary to normal usage. There was no objection to consulates making their own arrangements with local authorities, but he could not agree to an obligation being placed on the receiving State. If the idea were accepted it might lead to the consular accounts being inspected by officials of the receiving State, which would certainly be unacceptable to the sending State.

48. Mr. TOURE (Guinea) shared the views of the Tunisian representative. In Guinea consular receipts were an integral part of the consular budget and the question of transfer did not arise. If the joint amendment were adopted, some of the countries represented at the present conference would undoubtedly refuse to apply the article. He therefore opposed the amendment.

49. Mr. VAZ PINTO (Portugal) supported the joint amendment in so far as it concerned the transfer of sums collected, which was a corollary to the principle already recognized by article 39. It would, however, be too drastic to allow the sending State to choose the currency

for transfer and in that respect he agreed with the Tunisian representative's objections. If the words " in the currency chosen by the sending State " were deleted the amendment would represent a fair compromise between the interests of the sending and the receiving State. He accordingly requested a separate vote on those words.

50. Mr. LEVI (Yugoslavia) said he would vote against the joint amendment because it shoule not come under the draft convention. Such matters were usually dealt with in bilateral agreements because they were dependent on many circumstances such as the receiving State's foreign currency position, commercial relations between the receiving and the sending State and questions of hard and soft currency. The matter was entirely outside the competence of the present conference.

51. Mr. JAMAN (Indonesia) also opposed the joint amendment. Such transfers might not be permissible or feasible under the laws of the sending State. Experience showed that consular levies could normally be used in the receiving State and the possibility of consular accounts being subject to inspection by the receiving State's auditors was a violation of the accepted principle of secrecy.

52. Mr. MOUSSAVI (Iran) endorsed the views of the representative of Tunisia. The International Law Commission's draft was entirely satisfactory and he could not support the joint amendment.

53. Mr. MARESCA (Italy) did not agree with the view that the question of transfer was outside the Committee's competence. It was a logical consequence of the right to levy a fee recognized in article 39 and he would accept the amendment as a necessary complement to paragraph 2.

54. Mr. SPYRIDAKIS (Greece) said that he appreciated the fact that the free transfer of consular revenues to the sending State would caused difficulty to many receiving States. It should be remembered, however, that in the case of many countries, like his own, with large communities and merchant fleets, considerable sums of money were collected in consular fees. In countries where there was no exchange control, consulates were already freely making transfers to their countries of origin under bilateral agreements. In countries with strict exchange control, considerable sums were " frozen ". The sending State could not spend them, because they were far larger than the expenditure of its diplomatic and consular missions in the receiving State. The strong opposition of the representative of Tunisia to the joint amendment concerned the functions of the consul and was hardly warranted. He agreed that the question of transfer of consular fees to the sending State was a logical consequence of the right to levy fees recognized in article 39, and was therefore a matter to be decided by the Committee. He supported the Portuguese proposal for a separate vote on the words " in the currency chosen by the sending State ".

55. Mr. EVANS (United Kingdom) said he had listened with great interest to the comments of the other representatives and agreed with those representatives who were concerned at the unusually wide scope of the joint amendment. He could not recollect any other international agreement having a provision requiring the receiving State to allow the sending State not only to convert sums received into any currency but also to transfer them without restriction. In practice, the amounts involved would probably not be very large and the adoption of the amendment was unlikely to cause his own country any difficulty. Nevertheless, in view of its unusually wide scope and the difficulties that many countries would face, it would be wise not to adopt it as drafted. The most he considered the Committee should accept would be an amendment providing that sums collected from fees and charges should be freely convertible into the currency of, and transferable to, the sending State. It might, however, be wiser to maintain the International Law Commission's draft.

56. Mr. KANEMATSU (Japan) remarked that the fees and charges collected by consuls were normally used to meet the consulate's expenses. He saw no reason why the convention should provide for the transfer and conversion of such funds. Moreover, in the matter of foreign exchange regulations most countries treated consuls as non-residents, so that there should be no difficulty in dealing with the relatively small sums concerned. In his opinion, the matter should be dealt with under the currency regulations of the receiving State and should not have a place in the convention.

The meeting rose at 1.5 p.m.

TWENTY-FIRST MEETING

Tuesday, 19 March 1963, at 3.15 p.m.

Chairman: Mr. GIBSON BARBOZA (Brazil)

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

Article 39 (Levying of fees and charges and exemption of such fees and charges from dues and taxes) (*continued*)

1. The CHAIRMAN invited the Committee to continue its consideration of article 39 and of the joint amendment thereto by Argentina, Belgium, Brazil, the Netherlands and Venezuela (L.130).

2. Mr. SRESHTHAPUTRA (Thailand) said that his delegation maintained its view that the general rules of law which could command if not universal at least broad acceptance by States, should contain only general rules. He thought that in formulating such rules regard should be had to the different conditions prevailing in different States. It was therefore not advisable to make express provision for all conceivable circumstances in the proposed convention. He warned the Committee that if it went too far in one direction or the other, then, although it might be able to adopt a convention, such a convention would never attract States to become parties to it. He did not think that the proposed consular