

United Nations Conference on Consular Relations

Vienna, Austria
4 March – 22 April 1963

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1st meeting of the Plenary

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the First and Second Committees)

SUMMARY RECORDS OF THE PLENARY MEETINGS

FIRST PLENARY MEETING

Monday, 4 March 1963, at 3 p.m.

Acting President: Mr. STAVROPOULOS

(Legal Counsel of the United Nations, representing
the Secretary-General)

Later:

President: Mr. VEROSTA (Austria)

Opening of the Conference

[Agenda item 1]

1. The ACTING PRESIDENT welcomed the Federal President of the Republic of Austria. He recalled that in 1961 he had had the honour to welcome him at the opening of the Vienna Conference on Diplomatic Intercourse and Immunities, and to express to him the gratitude of the United Nations for the warm and generous hospitality extended by the Austrian Government. It was with an even deeper sense of gratitude that he greeted him on the present occasion. All those who had been present at the Vienna Conference of 1961 knew how much the Republic of Austria had contributed to its success by the provision of facilities and financial assistance. They were very glad to be in Vienna, whose long tradition as a favourable location for international conferences was carefully preserved and fostered by the federal and city authorities. The city which was the home of the famous Konsular-Akademie, founded in 1754 by the Empress Maria Theresa for the training of consuls, and had for centuries been one of the great centres for the study of international law, was a particularly appropriate place for a conference on consular law. The presence of the Federal President and the hospitality of Austria were an excellent augury for the success of the Conference.

2. On behalf of the Secretary-General, he then declared the United Nations Conference on Consular Relations open.

On the proposal of the Acting President, the Conference observed a minute of silent prayer or meditation.

3. The ACTING PRESIDENT welcomed the delegations on behalf of the Secretary-General of the United Nations; the Secretary-General had asked him to express his regret at being unable to be present and to convey to the Conference his best wishes for the success of an important new step in the codification and progressive development of international law.

4. The present conference was one of a series of conferences convened by the General Assembly of the United Nations for the purpose, in the words of the United Nations Charter, of "encouraging the progressive development of international law and its codification". In pursuance of that aim, two conferences on

the Law of the Sea had been held in Geneva in 1958 and 1960; a conference on the reduction of statelessness had been held, the first part in Geneva in 1959 and the second in New York in 1962; and the Conference on Diplomatic Intercourse and Immunities had been held in Vienna in 1961.

5. The present conference, like the Vienna Conference of 1961, would deal with the law regulating an important aspect of international relations. At a time when international relations had taken on an ever-increasing significance for the lives of all mankind, it had become increasingly desirable to place them on a secure basis of clear, generally recognized and generally observed rules of law. Consuls, like diplomatic agents, played an important part in international relations. The general development of foreign travel, international trade and shipping had increased the volume of consular activities all over the world, and for those increased activities larger consular staffs had become necessary. Clarification of consular law would thus contribute to the promotion of friendly relations between States.

6. The present conference, unlike the Conference on Diplomatic Intercourse and Immunities which had had the precedent of the Vienna Congress of 1815, was breaking new ground. For the first time an effort was being made to prepare a text on consular relations with the collaboration of States from all parts of the world. The States of the western hemisphere had approved the text of the Havana Convention on Consular Agents in 1928, and European States were considering the subject on a regional basis in the Council of Europe. Consular relations, however, had in the past been mainly regulated by bilateral agreements and national laws, and there had been a wide variety of differing practices. While regional and bilateral agreements were unquestionably valuable, and while considerable local variation was not necessarily disadvantageous, the task of the Conference would be to arrive at as broad a measure of agreement as possible on the basic principles of the subject, on a world-wide basis. Principles defined at the present conference would have the advantage of being established in accordance with the interests and views of both the new and the old States — of States with all kinds of political and economic systems — and would thus help to promote better relations in the world as a whole.

7. The draft before the Conference was the fruit of eight years' work and would no doubt prove as useful to it as previous drafts by the International Law Commission had proved to other conferences. The International Law Commission had begun work on the subject in 1955, and the draft had gone through the usual stages of provisional adoption, submission to governments for comments, and revision in the light of the comments received. The draft had been submitted to the General Assembly in 1961. The Assembly, by resolution 1685 (XVI) of 18 December 1961, had decided to convene the present conference, and had referred the International Law Commission's draft to it. At its seventeenth

session, in 1962, the Assembly had discussed the subject again, and adopted resolution 1813 (XVII) of 18 December 1962, by which it had requested that the records and documents of the seventeenth session relating to the consideration of that item be transmitted to the Conference, and had invited States to submit, by 10 February 1963, any amendments which they might wish to propose in advance. Thus, the Conference had before it a carefully prepared draft and much information about the views of governments, and should be able to achieve its aims effectively.

8. In conclusion, he expressed the hope and the belief that the Conference, in its work during the coming weeks, would succeed in preparing a convention which, while leaving due latitude for variations of practice, would clearly lay down the basic principles of consular relations, and be widely acceptable to States. The Conference would thus achieve its aims, and an important step forward would be made in the codification and progressive development of international law.

Address of the Federal President of the Republic of Austria

9. H.E. Dr. Adolf SCHAERF, Federal President of the Republic of Austria, said that it was with great pleasure that he had accepted the proposal of the Secretary-General of the United Nations to hold the Conference on Consular Relations in Vienna. Austria was glad to have been able to offer hospitality to the United Nations Conference on Diplomatic Intercourse and Immunities in 1961 and was now equally gratified that, in response to an invitation of the Austrian Federal Government, the United Nations was once again holding in its capital a conference of great importance for all States.

10. The deliberations on the reformulation of the rules governing diplomatic relations and immunities, which had originally been laid down at the Congress of Vienna in 1815, had achieved good results in 1961. Since then, the Vienna Convention on Diplomatic Relations had been ratified by a large number of States.

11. The United Nations now proposed, in conformity with Article 13 of the Charter, to regulate consular relations between States. In doing so, the Organization would, at the same time, be fulfilling the task it had set itself of promoting the progressive development of international law and its codification.

12. The draft of the new convention which was to be concluded had been prepared with great care by the International Law Commission of the United Nations. The high quality of the text, which was before the Conference on Consular Relations as the basis for its work, had been recognized by the General Assembly of the United Nations on 18 December 1961. It was to be hoped that now, in the city of Vienna, the convention would be put into final form in accordance with the interests of all States.

13. The significance of consular relations between States should not be under-estimated. The institution of consuls in international life had had a long and proud history. The late General Secretary of the Austrian

Foreign Office, Mr. Heinrich Wildner, who had received his training in the diplomatic service of the Austro-Hungarian monarchy, had stressed in his manual of diplomatic method that the consular service demanded at least the same objective training as the diplomatic service proper, and possibly even a more intensive training. It was perhaps an even richer mine of experience, because the members of the consulate were more directly in touch with the administration and population of the receiving country, and with their life and culture.

14. The great importance of the consular service was indeed due to the fact that consulates were in much closer contact with the authorities of the receiving States than embassies, owing to the nature of the functions vested in consuls and their assistants — protecting the interests of their nationals in the receiving country, promoting trade, economic, cultural and scientific relations, issuing passports and travel documents, performing notarial functions and the functions of registrar of births, deaths and marriages in certain cases, safeguarding the interests of minors and representing their nationals in the courts and before other authorities of the receiving State. All those activities brought a consul into constant and close contact with the authorities of the country to which he had been sent. But consuls and consular officers were in contact not only with officials and diplomats of the country in which they served, but also with its people, who often applied to them for information, advice and support.

15. For those reasons, he considered that a generally valid text regulating consular relations between States was no less important than the Convention on Diplomatic Relations which had already been happily concluded. The consular convention which it was the object of the Conference to prepare would not only create new law, but, he hoped, would contribute materially to the furtherance and improvement of interstate relations. The future treaty would strengthen the foundations of world peace for the better, and the more certainly the relations of States were regulated by the provisions of treaties drafted and approved by common consent, the better prospects there were of avoiding friction and misunderstanding.

16. He hoped that the delegations which had come to Vienna from so many countries to attend the Conference would feel happy and comfortable in Austria. The Austrians would do their best to make their guests welcome.

17. He wished the United Nations Conference on Consular Relations complete success and hoped that the fruit of its labours would be a universally satisfactory convention.

The Federal President of the Republic of Austria withdrew.

Question of participation in the Conference

18. Mr. AVILOV (Union of Soviet Socialist Republics) said that since the task of the Conference was to prepare a convention governing consular relations

amongst all States, the Conference should obviously be as representative as possible. And yet, a nation of 650 million was not admitted to the Conference and was being deprived of its legal right of representation, in violation of the Charter and the fundamental principles of the United Nations—in particular that of the sovereign equality of States. Manifestly, the representatives of Chiang Kai-shek did not and could not represent the Chinese people. The only representatives of the Chinese people were those appointed by the Government of the People's Republic of China. Consequently, the presence of followers of Chiang Kai-shek at the Conference was illegal.

19. The absence of so great a country as China from the proceedings of the Conference would be detrimental to the cause of international co-operation and would undoubtedly be reflected in the work of the Conference.

20. Furthermore, no representatives of the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam had been invited. In view of the importance of the questions to be discussed at the Conference, all States, and not only States Members of the United Nations and the specialized agencies, should participate. The Soviet delegation therefore considered that the absence of representatives of the States concerned, which could have made an important contribution to the Conference, was contrary to the Charter, to international law, and to the interests of all States.

21. Mr. CAMERON (United States of America) said that the USSR representative's remarks were clearly out of order. The question he had raised had been decided by the General Assembly in its resolution 1685 (XVI), under which the Conference had been convened; by that resolution, all States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice had been invited to the Conference, and only representatives of those States could participate in its work. None of the regimes to which the USSR representative had referred satisfied those conditions, whereas the Republic of China was a Member of the United Nations and the specialized agencies. The government of that State alone was qualified to represent China at the Conference.

22. Mr. WU (China) regretted that, at the outset of the Conference, the friendly and harmonious atmosphere had been broken by a harsh and discordant statement merely repeating, for propaganda purposes, what the delegations of the State concerned had been saying for years in the United Nations. The United States representative had explained the situation clearly and succinctly. The reason why the Chinese communist regime had not been permitted to attend the Conference was that it had been created by Soviet imperialism as a tool of its policy of aggression in Asia and the Far East. That regime had violated every rule and principle the United Nations stood for; it was not qualified for membership of the United Nations or for representation at the Conference. Moreover, the question of participation had been settled at the sixteenth session of the General

Assembly, so that any attempt to revive the dispute at the Conference was out of order. The Government of the Republic of China had more right to be represented in the Conference than the government of the country whose delegation had challenged that right: China was a staunch supporter of the ideals and concepts of the United Nations and fulfilled its duties under the Charter; it did not restrict the movement of foreign diplomats and consuls to a radius of fifty miles from its capital, it did not arrest diplomatic and consular agents on false charges of espionage, and it did not violate the premises of embassies and consulates to attach apparatus to their telephones and desks.

23. Mr. TSYBA (Ukrainian Soviet Socialist Republic) said his delegation was convinced that most of the diplomats and jurists assembled at the Conference were aware of who really represented the Chinese people. The fact that the Conference was being attended by representatives of the Chiang Kai-shek group from the island of Taiwan would not enhance its prestige. The absence of the People's Republic of China was contrary to the United Nations Charter and to the principles of equal rights and State sovereignty. Only the government wielding *de facto* power, with the support of the people of the country, had the right to represent a State. The Central People's Government of the People's Republic of China was the only government which legally and effectively controlled the country with the support of the people, and accordingly, under international law, it was the only government that could represent China at the Conference.

24. The Charter accorded to all States the right to participate in the preparation of general international conventions, and it was a matter of concern to the United Nations that all States should act in accordance with its purposes and principles. Non-member States were therefore fully qualified to attend the Conference, and the Ukrainian delegation wished to protest against the discrimination practised against the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam.

25. Mr. von HAEFTEN (Federal Republic of Germany) said he deplored the statements made by the USSR and Ukrainian representatives to the effect that representation in the Conference had been wrongfully denied to what they referred to as the German Democratic Republic. The area in question was not a State in the legal sense, but merely the Soviet-occupied zone of Germany. It was governed by authorities forced upon the people, in violation of the right of self-determination, which was a principle embodied in the Charter of the United Nations.

26. As the United States representative had pointed out, the Conference was bound by General Assembly resolution 1685 (XVI), under which it had been convened. It followed that the question raised by the USSR and Ukrainian representatives was outside the terms of reference of the Conference, and was therefore irrelevant.

27. Mr. NGUYEN QUOC DINH (Republic of Viet-Nam) said that since the Republic of Viet-Nam was directly concerned by the statements of the USSR and

Ukrainian representatives, he felt obliged to object most strongly to them. As the United States representative had pointed out, the Conference had been convened by the General Assembly of the United Nations and must conform with the resolution convening it. There was no reason to allow the participation of groups which were not States Members of the United Nations and the specialized agencies. Moreover, the division imposed on Viet-Nam was provisional and the people of that country were adequately and legitimately represented by the delegation of the Republic of Viet-Nam.

28. Mr. PETRŽELKA (Czechoslovakia) said that his delegation deeply regretted two negative factors which were bound to have an adverse effect on the conclusion of a highly important multilateral treaty. In the first place, the seat of the People's Republic of China, the only legal government of that great country, was being unlawfully occupied by the Chiang Kai-shek group, who represented no one but themselves. Secondly, as a result of flagrant discrimination, such States as the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam had been excluded from participation in the Conference. The Czechoslovak delegation resented the remarks made by the representative of the Federal Republic of Germany about the first peace-loving State that had ever existed in German territory, particularly since many of the States represented at the Conference maintained diplomatic and consular relations with the German Democratic Republic. The existence of two States in German territory was unquestionable; for example, the German Democratic Republic and the Federal Republic of Germany had been accorded equal status at the Geneva Conference of Ministers of Foreign Affairs. The policy of discrimination was contrary to the principle of sovereign equality, to international law and to the United Nations Charter; moreover, it was against the interests of the world community and a danger to the codification and progressive development of international law, to peaceful co-existence and to co-operation among all States, irrespective of their political, economic and social systems.

29. Mr. D'ESTEFANO PISANI (Cuba) said it was essential to settle the question of the participation of the People's Republic of China, the German Democratic Republic, the Democratic Republic of Viet-Nam and the Democratic People's Republic of Korea in a conference at which progressive rules for consular relations were being laid down. The revolutionary government of Cuba had ratified the Vienna Convention of 1961 on Diplomatic Relations and had enacted a law to enforce that instrument. It intended to take similar action in respect of the instrument which would emerge from the present conference.

30. The absence of representatives of the People's Republic of China was anomalous for four main reasons. First, it was quite inadmissible for the views of one-quarter of the world's population not to be heard in the preparation of an international instrument of such great importance. Secondly, the exclusion of the countries concerned implied that they did not maintain consular relations with other countries, whereas that was by no

means the case. Thirdly, all countries were expected to abide by the United Nations Charter and by the rules of international law, and the countries concerned would be asked to comply with the instrument adopted, even though they were not recognized as States. Finally, discrimination against the four States concerned was tantamount to an attempt to prevent them from having the type of government they wanted. Those States were being subjected to a campaign similar to the one conducted against Cuba, simply because their heroic peoples had fought for liberation in their determination to shake off the colonial yoke. The Cuban delegation appealed to the Conference to recognize the right of those peoples to participate in its work and to be recognized as free and sovereign States.

31. Mr. NESHO (Albania) stressed that a conference engaged in preparing an international instrument must include all the sovereign States in the world which supported its humanitarian purposes. It was therefore wrong to exclude such States as the People's Republic of China, the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam. To deny participation to the representatives of one-quarter of the world's population was a violation of the most elementary rules of international law. Moreover, China had made a valuable contribution to peaceful scientific and cultural development, despite the backwardness it had inherited from long years of domination; its contribution to the maintenance of peace was acknowledged not only in Asia, but throughout the world, and the fact that it maintained cultural, commercial and diplomatic relations with the overwhelming majority of States showed its will to strengthen peace and international security and to co-operate with all countries. Events had shown that no international problems could be solved rationally without the participation of the People's Republic of China, in view of its cultural and scientific achievements, its vast economic potential and the peaceful policy of its government.

32. Unfortunately, however, a group of countries, headed by the United States, which had occupied Taiwan and turned it into a real colony, were supporting the Chiang Kai-shek clique and were making vigorous efforts to prevent the People's Republic of China from taking its legitimate place at the Conference. Despite the wishes of the United States, however, the People's Republic of China was a great world power; that fact could not be obscured by the efforts of the western powers, and the Albanian delegation called for an immediate decision by the Conference to exclude the representatives of the Chiang Kai-shek group and admit the representatives of the People's Republic of China, who were alone qualified to represent the Chinese people.

33. Mr. DADZIE (Ghana) said he wished to restate his delegation's views that the claims to representation of 690 million mainland Chinese could not be ignored. It was impossible to maintain that a government which conducted the *de facto* and *de jure* administration of mainland China was not the government whose delegation should occupy China's seat at the Conference. The

narrowing of the gap in voting on Chinese representation in the General Assembly showed that it was no longer an academic question. It was high time to abandon the current United Nations formula and to allow the principle of universality to be practised and not merely preached. The absence of representatives of the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam was also regrettable, particularly in view of the importance of the Conference. The delegation of Ghana hoped that that unhappy situation would soon be remedied and that discrimination would be eliminated.

34. Mr. CHIN (Republic of Korea) said he felt compelled to answer some of the charges made by the delegations of communist countries. To question the legality of representation by the delegations of the Republic of Korea, the Republic of China, the Republic of Viet-Nam and the Federal Republic of Germany and to attempt to secure participation for other regimes was contrary to General Assembly resolution 1685 (XVI), which clearly enumerated the criteria for participation in the Conference. The Republic of Korea had been officially invited to attend the Conference under that resolution, whereas the North Korean group, which was illegally occupying a part of the country, was in no way qualified to participate. Statements to the contrary were out of order and were intended solely for political propaganda; they were not calculated to smooth the course of a purely technical conference.

35. Mr. CRISTESCU (Romania) said that his delegation attached great importance to the Conference and to the codification of rules of international law on consular relations. The purpose of the codification and progressive development of international law was to foster friendly relations among States, irrespective of their systems of government. Accordingly, a convention which was of interest to all States should be subject to the principle of universality and all States, not only States Members of the United Nations or the specialized agencies or parties to the Statute of the International Court of Justice, should participate in the Conference, since they all maintained consular relations and had experience in that sphere. It was regrettable that international conferences were still being used as vehicles for discrimination against a few socialist countries and for the violation of fundamental principles. The replacement of the legitimate representatives of China by those of a clique which represented no one and the absence of representatives of the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam represented a violation of the principle of universality and could not fail to undermine the authority of the Conference and of the instrument it was to adopt.

36. Mr. CHAVEZ (El Salvador) said he could not agree with the USSR representative's views, since his country recognized the Republic of China. The United States representative had rightly pointed out that the General Assembly resolution concerning the Conference must be respected. Moreover, there was nothing to prevent any State from applying the convention which

would emerge from the Conference. His delegation was against the participation of governments which did not represent their peoples.

37. Mr. USTOR (Hungary) expressed deep regret that, once again, representatives of the People's Republic of China had not been invited to attend a United Nations conference. The absence of the rightful representative of a founder Member of the United Nations from a conference convened by the organization constituted an anomalous situation and a flagrant violation of the Charter. The exclusion of China was not only politically and legally undesirable, but also unreasonable, since there were many consulates in China and its many ports, and China had consulates in the territories of a number of States. The Hungarian delegation also objected to the discrimination exercised against the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam. The practice of denying participation in conferences of universal interest to certain States represented a violation of international law, and particularly of the principle of sovereign equality of States. It was highly regrettable that the principle of universality was being sacrificed to the political aims of certain powers. The Hungarian delegation would not cease to demand that that regrettable situation be terminated until the letter and the spirit of the Charter had been fully complied with.

38. Mr. KRISHNA RAO (India) recalled that, from the establishment of the People's Republic of China in October 1949, the Government of India had constantly maintained a friendly and co-operative attitude towards its government. India had been among the first countries officially to recognize the Government of the People's Republic of China, and had been sponsoring China's representation in the United Nations since 1950. On 29 October 1954, India had signed an agreement with China regarding trade and commercial relations between Tibet and India; by that agreement, India had voluntarily relinquished all the extra-territorial rights and privileges enjoyed in Tibet by the former British Government of India.

39. Unfortunately, in reply to that friendly attitude, China had surreptitiously occupied large areas of Indian territory and had then suddenly made undisclosed claims to vast areas of that territory. It was a striking fact that on several occasions when India had pointed out the correct frontier to the People's Republic of China, the Chinese Government had never disclosed its conception of a boundary line. He gave examples of Chinese statements and claims, to show that the Chinese position was, in effect, that the boundaries represented only shifting lines to be changed at will. Nor was that all: in the course of their recent large-scale invasion of India in October and November 1962, Chinese troops had crossed even the frontiers claimed by them in 1960.

40. The recent premeditated and carefully planned attacks against India at several points along the frontier constituted acts of aggression by any definition of that term ever put forward by any country. The Albanian representative had referred a number of times to China's contribution to "peace". In the light of what he had

just stated, he (the speaker) wished to inform the representative of Albania that the Chinese had neither heard of nor believed in peace. The reasonable attitude of India was evident from the fact that it had accepted the Colombo proposals in their entirety, whereas China had not accepted them.

41. Nevertheless, the Indian Government remained of the opinion that the People's Republic of China should be represented in the United Nations, despite its blatant and unprovoked aggression against India in violation of international law and of all international canons of behaviour. The reason was that China, by such representation in the United Nations, could be brought within the discipline of that body and be made to accept its obligations under the Charter.

42. The appropriate forum for dealing with that question, however, was not the present conference, invitations to which were governed by resolution 1685 (XVI), adopted by 90 votes to none with 2 abstentions. The question of the participation of China had been discussed and voted on both in the Sixth Committee and in the General Assembly, and the adequacy of the invitations to the Conference could not be questioned. His delegation would support any proposal which was in line with resolution 1685 (XVI).

43. Mr. STOYANOV (Bulgaria) said that his delegation supported the statements made by those delegations which had rightly pointed out that the absence of the true representatives of China from the Conference was contrary to the basic principles of universality, of international relations and of the United Nations Charter. The rightful place of peace-loving China in the United Nations was wrongfully occupied by the representatives of the Chiang Kai-shek group.

44. Nor were there any grounds whatsoever for excluding the representatives of the German Democratic Republic, the Republic of Viet-Nam, and the Democratic People's Republic of Korea from participation in the work of the Conference. Contrary to the opinion of the representatives of the United States, the Federal Republic of Germany and others, all those States existed in fact, were developing successfully, and maintained broad diplomatic, consular, and trade relations with many countries.

45. The absence of such great independent States would inevitably undermine the authority of the Conference and lessen the significance and weight of its decisions on the problems before it.

Election of the President

[Agenda item 2]

46. The ACTING PRESIDENT invited nominations for the office of President of the Conference.

47. Mr. GUNewardene (Ceylon) nominated Mr. Stephan Verosta (Austria), Professor of International Law, former Ambassador of his country to Poland and member of the Permanent Court of Arbitration at The Hague, whose outstanding qualities as a jurist and

diplomat eminently fitted him for the office. At the 1961 Conference on Diplomatic Intercourse and Immunities he had had the pleasure of nominating Mr. Verdross, whose skill and tact as President had made an outstanding contribution to the success of the work; it was particularly fitting that another distinguished Austrian jurist should be elected President of the present conference.

48. Mr. de ERICE y O'SHEA (Spain) seconded that nomination and expressed the hope that Mr. Verosta would be elected unanimously.

49. Mr. EVANS (United Kingdom) supported the nomination of Mr. Verosta, whose experience as a diplomat and a lawyer of great learning particularly qualified him for the office of President. He took the opportunity of recalling the debt of gratitude owed to the Government of Austria for acting as host to both the 1961 Conference and the present conference.

50. Mr. AVILOV (Union of Soviet Socialist Republics) also supported the nomination of Mr. Verosta, a leading jurist and citizen of the country whose generous hospitality would, he felt sure, greatly contribute to the successful outcome of the work of the Conference.

51. Mr. CAMERON (United States of America) warmly supported the nomination of Mr. Verosta, whose outstanding qualifications had been so well described by the representative of Ceylon.

52. Mr. DAS GUPTA (India) also supported the nomination and expressed the hope that Mr. Verosta would be unanimously elected.

Mr. Stephan Verosta (Austria) was elected President by acclamation, and took the Chair.

53. The PRESIDENT expressed his deep appreciation of the great honour done to his country and to himself by his election.

54. The Conference had been convened to codify the law of consular relations. These relations were regulated by customary international law and by hundreds of international conventions, especially bilateral consular conventions. As diplomatic relations were governed primarily by customary international law and only questions of diplomatic rank had been codified by the Vienna Regulation of 1815, the Vienna Conference of 1961 had been mainly concerned to codify the firmly established rules of customary international law. The present conference would have to take into account not only the rules of customary international law on consular relations, but also the rules laid down in numerous bilateral consular conventions.

55. An analysis of those bilateral consular conventions showed a great number of identical or similar provisions. Through the operation of the most-favoured-nation clause, a series of those provisions had become even more generalized. Together with the generally accepted rules of customary international law, those provisions formed a body of rules on consular relations which were already widely applied by States. Formal acceptance by many States could therefore be expected of that body of

rules, which would be drafted by the present conference and incorporated into a general convention on consular relations.

56. That reasoning and that expectation had induced the International Law Commission to extract the main identical provisions from the various consular conventions and to submit the result of its work to the Conference as the 71 draft articles on consular relations. Governments had commented on the draft articles and submitted amendments to some of them, but they had accepted the principle of a general convention codifying the law of consular relations and the bulk of the provisions formulated and drafted by the Commission. The convening of the present conference to study the draft on consular relations and eventually to conclude one or more conventions on the subject was proof of the success of the Commission's work of which he expressed warm appreciation.

57. If it were asked how the Commission had been able, in such a comparatively short time, to collect and formulate so many provisions concerning consular relations, three main reasons could be given. Firstly, consular or quasi-consular relations between sovereign communities had existed since the most ancient times; secondly, consular or quasi-consular relations were known between human communities all over the world and were really universal; thirdly, consular relations had been greatly intensified, since the industrial revolution, between all States. As a result of the increasing cultural and economic interdependence of States, the "One World" of today was covered by a whole network of consular posts and consulates.

58. Wherever relations between two or more sovereign communities developed, consular functions were exercised. Consular or quasi-consular relations and institutions had developed in many parts of the world long before permanent diplomatic missions had been established. The ancient Egyptian king Amosis II had authorized the Greek city-states to appoint Greek nationals as officials of the port-authority of Naukratis, giving them a kind of *exequatur*. Between the Greek city-states themselves various types of intercourse had developed; the protection of citizens of one state residing in another had been assured, with its consent, by a leading citizen of the "receiving" state, who was the predecessor of the honorary consul of today. The same institution was reported in the international law of ancient India.

59. In ancient Rome a special magistrate, the *praetor peregrinus*, had exercised jurisdiction in disputes between Romans and citizens of foreign States; in his administration of justice, that Roman magistrate had developed a new body of rules of civil law, the *jus gentium* — a civil law of all peoples into which legal ideas from Greece, Egypt and Syria were introduced. Some rules of *jus gentium* had been applied in the Middle Ages to international relations between sovereign States.

60. After the conquest of the eastern and southern shores of the Mediterranean by the Arabs, trade had again become the link between the Christian and the Islamic States. Very soon colonies of Arab merchants in Roman territory had been granted self-administration

and the right of worship, for instance in Byzantine Constantinople. Similarly, west European and Byzantine merchants had had their settlements and compounds in the ports and cities of the Islamic States. By A.D. 1100 a special magistrate was settling disputes between the merchants in the great trading republics of western Europe, especially Italy — *consul mercatorium* or *consul artis maris*. The growing trade in the Mediterranean had made it appropriate to dispatch such officials to settlements overseas — the *consules in partibus ultramarinis*. Such consuls had been exchanged between European States — e.g., Venice and the Byzantine Empire — and between European and Islamic States. The international treaties establishing consulates — the Capitulations — had often authorized a consul to administer justice over his nationals. That was then not considered to be discrimination; even the powerful Ottoman Empire had adopted the system. Only later, because of abuses, had it been considered prejudicial to national sovereignty, and it has completely disappeared in the twentieth century.

61. Those few examples showed the importance of trade and of the exchange of goods and ideas all over the world, and the importance of consuls, as the protectors of trade and the promoters of economic, cultural and scientific relations between all States.

62. The task of the Conference was to draft and sign a multilateral consular convention, the first general convention on consular relations in the history of international law and of mankind. The universality of the codification thus undertaken was guaranteed by the presence of hundreds of learned and competent representatives of the governments of over ninety States. The consensus of opinion reached would be really universal. Mankind would be given a safe legal platform for the strengthening of consular relations. The work of the Conference would thus promote the progressive development of international law and better understanding between the different peoples of the world and would contribute to the maintenance of world peace.

Tribute to the memory of Mr. Marcelo Deobaldia, Representative of Panama

63. The PRESIDENT announced with regret the death in a traffic accident of Dr. Marcelo Deobaldia, the representative of Panama.

On the proposal of the President, the Conference observed a minute of silence in tribute to the memory of Mr. Deobaldia.

Adoption of the agenda

[Agenda item 3]

The provisional agenda (A/CONF.25/1) was adopted.

The meeting rose at 5.55 p.m.