

United Nations Conference on Consular Relations

Vienna, Austria
4 March – 22 April 1963

Document:-
A/CONF.25/SR.8

8th meeting of the Plenary

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 motion for the closure of the debate was carried by 77 votes to none, with 1 abstention.

The oral amendment by the Congo (Leopoldville) was rejected by 49 votes to 19, with 11 abstentions.

The Belgian motion for a separate vote on each paragraph was rejected by 44 votes to 26, with 10 abstentions.

Article 22 was adopted by 69 votes to 4, with 6 abstentions.¹

Article 23 (Persons declared *non grata*)

Article 23 was adopted unanimously.

Article 24 (Notification to the receiving State of appointments, arrivals and departures)

51. Mr. PEREZ-CHIRIBOGA (Venezuela) said that he could accept the grant of privileges and immunities only to those members of the consulate who had consular status. His delegation had therefore voted in committee against sub-paragraphs (b), (c) and (d) of article 24, paragraph 1. In view, however, of the fact that paragraph 1 (a) and paragraph 2 were acceptable, he would confine himself to abstaining from the vote on the article as a whole.

Article 24 was adopted, with 1 abstention.

Article 25 (Termination of the functions of a member of a consular post)

52. Mr. MARAMBIO (Chile) expressed doubts concerning the drafting of article 25, paragraph 1, because, if read in the light of articles 1 and 11, the provision might be confusing. It might be taken to mean that the alternative of the withdrawal of the *exequatur* was applicable to members of the consular staff; yet, under article 11, only the head of consular post — who according to the definitions in article 1 was not a member of the consular staff — needed the *exequatur*. He suggested that article 25 should be reconsidered by the drafting committee.

53. Mr. KRISHNA RAO (India), chairman of the drafting committee, said that the point would be considered by that committee.

54. The PRESIDENT said that the vote on article 25 would be postponed until the drafting committee had reported further to the Conference.²

Article 26 (Departure from the territory of the receiving State)

Article 26 was adopted unanimously.

Article 27 (Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances)

Article 27 was adopted unanimously.

The meeting rose at 6.5 p.m.

¹ The title of article 22 was referred to the drafting committee, which altered it to "Nationality of consular officers" (see the summary record of the ninth plenary meeting).

² See the summary record of the ninth plenary meeting.

EIGHTH PLENARY MEETING

Thursday, 11 April 1963, at 10.50 a.m.

President: Mr. VEROSTA (Austria)

Consideration of the question of consular relations in accordance with resolution 1685 (XVI) adopted by the General Assembly on 18 December 1961 (*continued*)

[Agenda item 10]

DRAFT CONVENTION

Article 27 (Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances) (*concluded*)

1. Mr. VRANKEN (Belgium) said that, although he had voted in favour of article 27, he wished to draw the drafting committee's attention to two inconsistencies. First, the text of paragraph 1 (a) referred to "consular premises together with the property of the consular post" whereas paragraph 1 (b) referred to "the consular premises together with the property contained therein"; the wording should be made the same. Secondly, he thought that the arrangement of paragraph 2 should be brought into line with that of paragraph 1. It might be more satisfactory to place a colon after the words "In the event of the temporary or permanent closure of a consular post" and arrange the remaining matter as sub-paragraphs (a), (b) and (c).

2. Mr. KRISHNA RAO (India), chairman of the drafting committee, said that the drafting committee would consider the Belgian representative's suggestions.¹

REPORT OF THE SECOND COMMITTEE

3. The PRESIDENT called upon the rapporteur of the Second Committee to introduce his report (A/CONF.25/L.16).

4. Mr. KONSTANTINOV (Bulgaria), rapporteur of the Second Committee, said that the report was a brief record of the proceedings of the Committee, which had held 44 meetings during the period from 5 March to 4 April 1963, and had considered 230 written amendments. The articles it had adopted were annexed to the report. The Committee had originally been allocated articles 28 to 67 and article 69, but owing to a number of difficult legal and technical problems, the Conference had decided to transfer articles 52 to 55 to the First Committee.

5. A high degree of mutual understanding and respect had been shown by delegations, which had devoted the most careful attention both to individual problems and to the coherence of the convention as a whole. Throughout the proceedings there had been a spirit of co-

¹ These suggestions were not adopted by the drafting committee.

operation and willingness to take the requirements of different legal systems into account. That favourable atmosphere had been largely due to the industry and skill of the Chairman, the other officers of the Committee and the secretariat.

DRAFT CONVENTION (*continued*)

6. The PRESIDENT invited the Conference to continue its consideration of the draft convention (A/CONF.25/L.11).

Article 27 A (formerly article 33)
(Facilities for the work of the consular post)

Article 27 A was adopted unanimously.

Article 28 (Use of national flag and coat-of-arms)

7. Mr. de ERICE y O'SHEA (Spain) observed that the amendment (A/CONF.25/L.12) which his delegation, jointly with that of Ghana, had submitted to article 1 (j) had not been adopted because twenty-one delegations had voted against it (fifth plenary meeting). Since the purpose of that amendment had been to include the residence of a career head of a consular post in the definition of "consular premises", his delegation was glad to see that article 28 authorized the use of the national flag and coat-of-arms on such a residence. It hoped that even those who had opposed the joint amendment to article 1 would agree that the protection proposed was essential for the residence of the head of a consular post.

8. Mr. PAPAS (Greece) said he could not entirely agree with the Spanish representative. While it was obvious that the national flag could be flown on the residence of the head of consular post, it was hard to justify displaying the national coat-of-arms there; the residence might be confused with the consulate, and that would create difficulties for the local authorities.

9. Mr. BOUZIRI (Tunisia) said that his delegation, which had been among those opposing the amendment by Ghana and Spain to article 1, still considered that proposal illogical. Article 28 applied to quite a different case, and he would vote in favour of it.

Article 28 was adopted by 72 votes to none, with 3 abstentions.

Article 29 (Accommodation)

Article 29 was adopted by 74 votes to none, with 1 abstention.

Article 30 (Inviolability of the consular premises)

10. The PRESIDENT said he would call upon the representatives of France and India to make statements on paragraph 2 of article 30 before inviting the Ukrainian representative to introduce his delegation's amendment to paragraph 4.

11. Mr. de MENTHON (France) said that his delegation had made some reservations in the Second Committee concerning the exceptions to the principle of inviolability of consular premises provided for in paragraph 2. His delegation had particular doubts about the advisability of giving the authorities of the receiving State explicit permission to assume the consent of the head of the consular post and enter the consular premises if they had "reasonable cause to believe that a crime of violence to person or property has been or is being or is about to be committed" within those premises. Further perusal of the paragraph had led his delegation to the conclusion that it could not approve of the last part of the second sentence; for that exception to the rule of the inviolability of consular premises and, hence, of consular archives, could lead to serious abuses, particularly if relations between the sending State and the receiving State were already strained.

12. Three questions that arose were what was to be regarded as "reasonable cause", which authorities of the receiving State were meant, and who was to decide whether or not they could enter the premises. According to the existing wording, those authorities might be the local police, or even an individual policeman acting on his own initiative or at the instigation of an imaginative or malicious neighbour. In connexion with the original draft article 23 (Withdrawal of exequatur), the First Committee had decided that the criterion of conduct which "gives serious grounds for complaint" was too vague; the French delegation thought that that judgement applied equally to the criterion of "reasonable cause" in article 30, paragraph 2. The majority of the International Law Commission had considered that any restriction on the inviolability of consular premises would lead to friction and difficulties between the States concerned and open the way for abuses. Its conclusion, as stated in paragraph 8 of the commentary on article 30, had been that as the inviolability of consular premises had the same importance for the exercise of consular functions as the inviolability of the premises of a diplomatic mission for that of diplomatic functions, the text adopted at the Vienna Conference should be followed.

13. Moreover, the French delegation fully concurred with the opinion expressed by Mr. Ago at the 595th meeting of the International Law Commission that of the two dangers of abuse of inviolability by the consul and of the breach of inviolability by the receiving State, the latter was the more serious, for the receiving State had many more possibilities of pressure at its disposal.² He therefore moved that paragraph 2 be divided into two parts, to be voted on separately: first up to and including the words "prompt protective action", and secondly the remainder of the paragraph. He hoped the Conference would agree that the issue was important enough to justify division of the text.

14. Mr. KRISHNA RAO (India) fully agreed with the reasons for the deletion of the last phrase just given by the French representative. It might be argued that the

² See *Yearbook of the International Commission, 1961*, vol. I (United Nations publication, Sales No. 61.V.1, vol. I), p. 84.

principle of the inviolability of consular premises was not quite as generally recognized as that of the inviolability of the consular archives. The existence of two schools of thought, that of absolute immunity and that of conditional immunity, could not be denied and it might be said that the case for absolute immunity was *de lege ferenda*, but in his delegation's opinion that case was a strong one. In the first place, inviolability of consular premises was a condition for inviolability of consular archives. Secondly, there was not much difference between the premises of a consulate and those of a diplomatic mission, since both were premises in which certain acts were performed in the receiving State on behalf of the sending State. Thirdly, a multilateral convention on consular relations could not confine itself to mentioning only conditional inviolability, in view of the trend towards recognition of absolute inviolability. As early as 1898, the Institute of International Law had recognized premises occupied by consuls as inviolable, and the principle had been restated in a number of consular conventions concluded since the Second World War — for instance, in article VI of the 1948 Consular Convention between the United States of America and Costa Rica.³ Fourthly, fears of abuse of inviolability by the consulate were unfounded, and permission to enter the premises in case of fire or other disaster was implicit in the International Law Commission's draft on consular relations, as it was in the 1961 Convention. If a consul committed a very serious crime, the receiving State could undoubtedly exercise means of pressure without resorting to entrance into the consular premises; the competent authorities might make representations to the diplomatic mission of the sending State or to its Ministry for Foreign Affairs, or the consul's exequatur might be withdrawn. On the other hand, exceptions to the principle of inviolability would open the way for a number of abuses by the authorities of the receiving State, which would be more serious than abuses by the sending State. The term "crime of violence" was far too vague, for its interpretation depended upon the penal code of the country concerned.

15. In view of those considerations the Indian delegation supported the French motion for a separate vote on the last phrase of paragraph 2; it would go even further, and propose a separate vote on the whole of the second sentence.

16. Mr. USTOR (Hungary) fully endorsed the views expressed by the French and Indian representatives and, in particular, supported the Indian proposal for a separate vote on the whole of the second sentence of paragraph 2.

17. The problem of action in case of fire or other disaster had been discussed at length in the International Law Commission, at the 1961 Vienna Conference, and in the Second Committee; these discussions had shown that the problem did not really arise. Throughout the long history of diplomatic and consular relations, such cases had always been settled in practice by reasonable agreement between the head of post and the authorities

of the receiving State. Of course, the head of post might take action inconsistent with reason and goodwill, but it did not seem advisable to provide for such hypothetical cases; moreover, if provision were to be made for unreasonable action by a head of post in cases of fire or other disaster, the possibility of a false fire alarm raised by the authorities of the receiving State in order to enter the premises of the consulate must also be considered. The International Law Commission had rightly decided to omit any such provision from both the 1961 Convention and from the draft under discussion; although his delegation recognized the difference in status between diplomatic agents and consular officers, it believed that in the matter of inviolability of premises, both were in duty bound to exercise their functions in good faith. His delegation would vote against the second sentence of paragraph 2; in fact, it considered that the whole article could be limited to the first five words of paragraph 1.

18. Mr. WASZCZUK (Poland) said that article 30 was extremely important and should be very carefully studied both as to the substance and as to the procedural matter of how it should be voted on. He fully supported the statement made by the representative of France and urged that all representatives should bear it in mind. The last phrase should certainly be deleted from paragraph 2: it was unacceptable to most representatives because it conflicted with a principle accepted by the Conference and would impair relations between receiving State and sending State.

19. Consular and diplomatic functions, despite the differences between them, were closely related. Consular and diplomatic agents were both representatives of the sending State in the receiving State and should therefore enjoy the same privileges and immunities. In particular they should not be exposed to the abuses which might occur if the police authorities of the receiving State were free to enter consular or diplomatic premises on the pretext provided by the words in question — for the decision to enter would depend on the goodwill and good judgement of those authorities. There was no point in including such a provision in an international convention; in case of violation of the consular premises, the sending State could always adopt retaliatory measures. The principle of inviolability of consular premises was recognized in many consular conventions and the principle of inviolability of diplomatic premises was recognized in the Vienna Convention on Diplomatic Relations; the same principle should be recognized in the international convention on consular relations. He was therefore in favour of a separate vote on the last phrase of paragraph 2 and would vote for its deletion. He also fully supported the statement made by the Indian representative and his motion for a separate vote on the whole of the second sentence of paragraph 2. An international convention should not provide for abnormal circumstances.

20. He would vote for the Ukrainian amendment which would replace paragraph 4 by the International Law Commission's draft of paragraph 3. That text gave an unqualified guarantee of freedom for the performance

³ United Nations, *Treaty Series*, vol. 70, No. 896.

of consular functions, but the paragraph approved by the Second Committee would permit measures that would hinder consular activity.

21. Mr. PETRŽELKA (Czechoslovakia) said that his delegation had strongly opposed the changes in article 30 approved by the Second Committee. The present text did not conform with contemporary practice in most countries and was not conducive to the progressive development of international law or even consistent with the title of the article. It provided no guarantee or safeguard for the inviolability of consular premises which, according to paragraph 8 of the International Law Commission's commentary, had "the same importance for the exercise of consular functions as the inviolability of the premises of a diplomatic mission for that of diplomatic functions". For that reason most of the members of the International Law Commission had thought it desirable to follow the text of the Convention on Diplomatic Relations.

22. The Conference was, of course, free to amend the International Law Commission's draft, but it would be failing in its task if it weakened the text. Paragraph 2 as approved by the Second Committee made it possible for the authorities of the receiving State to enter consular premises in certain circumstances, but the decision whether the circumstances warranted entry would be an arbitrary one. Paragraph 4 permitted the expropriation of consular premises and property in certain cases. He would vote for the motions by France and India and for the amendment submitted by the Ukrainian Soviet Socialist Republic.

23. Mr. NWOGU (Nigeria) said he would vote for article 30 as adopted by the Second Committee. He did not agree with the representative of France and India; the second sentence of paragraph 2 was an essential provision to help the receiving State to carry out its duty, under paragraph 3, to protect consular premises. Nor did he consider that there were any grounds to fear that the provision might be abused by the receiving State's authorities. It had been pointed out in the Second Committee that many consulates were housed in large buildings and in case of fire could be a danger to neighbouring premises.

24. With regard to the Ukrainian amendment, the receiving State had the right to acquire the property of its citizens in an emergency and he saw no reason why it should not also have the right to acquire the property of a consular post or to demolish it for development purposes. The provision for "prompt, adequate and effective compensation" was sufficient protection. The consular archives were in any case inviolable under article 32. He opposed the proposal for separate votes.

25. Mr. AMLIE (Norway) said that article 30, as approved by the Second Committee, covered abnormal circumstances which could not be legislated for in an international convention. Such circumstances might also arise in the case of diplomatic missions, but they were not mentioned in the diplomatic convention; they could only be dealt with by common sense and goodwill. He

therefore supported the proposal for separate votes and would vote for deletion of the last phrase of paragraph 2.

26. Mr. RABASA (Mexico) strongly supported the proposals of the representatives of France and India. He was in favour of dividing the text and would vote against the phrase in question. As explained by the Mexican representative in the Second Committee, that attitude was consistent with his government's traditional policy, which had been followed in matters of municipal and international law and in bilateral and multilateral conventions on consular relations, such as the convention between Mexico and the United Kingdom of 20 March 1954. The principle of the inviolability of consular premises stated in the International Law Commission's draft of article 30 was formulated in the same terms as in article 18 of the Convention regarding consular agents adopted by the Sixth International American Conference and signed at Havana on 20 February 1928.⁴ That principle was violated by article 30, paragraph 2, as approved by the Second Committee; he would vote against the adoption of that text.

27. Paragraph 4 contained certain provisions which infringed the sovereignty of the receiving State, and his government could not be party to a convention which conflicted with its constitution. He would therefore vote for the Ukrainian amendment reintroducing the International Law Commission's text.

28. Mr. ZABIGAILO (Ukrainian Soviet Socialist Republic) said that his amendment (A/CONF.25/L.13) replacing paragraph 4 by the International Law Commission's text of paragraph 3 had been submitted because the immunity of consular premises and property from search, requisition, attachment or execution was a universally accepted principle. The arguments for maintaining that principle without limitation or exception had been fully stated in the Second Committee, and the Mexican representative had just pointed out that it was recognized in conventions between the Latin American countries.

29. Attention had also been drawn to article 22 of the Convention on Diplomatic Relations, and although the Conference was not bound by that convention, it was important to remember that it carried great authority; it would be wise to adopt the same principles wherever they were applicable to consular relations. The provisions of article 22 of the diplomatic convention could indeed be applied to consular premises and property for, as the International Law Commission had pointed out in paragraph 2 of its commentary on article 30, the inviolability of consular premises was "a prerogative granted to the sending State by reason of the fact that the premises in question are used as the seat of its consulate". In practice, any exception to, or limitation of, immunity was an infringement of the principle of inviolability, and paragraph 4 permitted such infringement. Theoretically, paragraph 4 was a violation of universally accepted standards and principles of international law, which did not permit execu-

⁴ League of Nations, *Treaty Series*, vol. CLV, p. 299.

tion on the property of foreign States without their agreement. Absolute immunity from execution was a basic principle of national sovereignty as had been ably explained by the representative of India. Paragraph 4 ignored the principle of sovereignty and would allow the receiving State's authorities to take action that would impair the dignity of the sending State. The qualifying words "for purposes of national defence or public utility" were too vague to be of any value, and it was unlikely that consular premises would ever be needed for national defence.

30. A more important point was that a convention which was intended to serve for many generations and to reduce the risk of war should not contain references to war. The Ukrainian amendment would safeguard the inviolability of consular premises. As the International Law Commission had pointed out in its commentary, inviolability was as important for consular officers as for diplomatic agents.

31. Mr. BARTOŠ (Yugoslavia) said that he was in agreement with the previous speakers, but in disagreement with the text which had emerged from the discussions of the Second Committee. He commended the Indian representative for his excellent analysis of the problems raised by article 30.

32. The International Law Commission, in its formulation of article 30, had paid due regard to the functional necessity theory, which was the foundation of the inviolability of consular premises. The Commission had carefully weighed the position and had reached the conclusion that the danger involved in introducing limitations on the principle of inviolability greatly outweighed any advantages they might have. The Second Committee of the Conference had proceeded from a different standpoint and had taken the view that it was not necessary to give the sending State safeguards for the inviolability of consular premises.

33. He drew attention to paragraph 8 of the International Law Commission's commentary on article 30, which showed that the Commission had considered the danger of abuses by the head of a consular post and by the local authorities. The Commission had been given many examples of local authorities using the danger of fire, for example, as a pretext for entering consular premises and taking away confidential documents. The Commission had been swayed in its decision by the fact that if a consul abused the privilege of inviolability of consular premises, the receiving State had the remedy of withdrawing his exequatur. If, on the other hand, an abuse were committed by a local authority, there would be no effective remedy; an apology might be offered, but the matter would probably go no further. It was therefore clear that the International Law Commission had had not only theoretical, but also practical, considerations in mind in drafting its text of article 30.

34. As to the question of procedure, which was closely connected with the substance of the matter, he supported the French and Indian motions for separate votes, because he wished to restore the International Law

Commission's text. As a matter of principle, he thought that the United Nations tradition should be observed, and that every facility should be given for separate votes. His delegation supported the Ukrainian amendment to paragraph 4.

35. Mr. DADZIE (Ghana) said that paragraph 2 would open the way to arbitrary action by the authorities of the receiving State. The clear and concise rule drawn up by the International Law Commission was that: "The consular premises shall be inviolable. The agents of the receiving State may not enter them, save with the consent of the head of post." The efforts made to amend that rule had almost destroyed the very inviolability which it was the purpose of the article to protect. He agreed with the Indian representative that fire and similar disasters should not be dealt with in an international convention of the type under discussion. He did not believe that any sending State would refuse permission to enter its consular premises in the event of a fire or other disaster involving danger to neighbouring property.

36. The passage in paragraph 2 which dealt with the possibility of crimes was even more open to criticism. Expressions such as "reasonable cause to believe" and "a crime of violence to person or property" would not be construed in the same way by every receiving State. He therefore supported the French motion for a separate vote on the last phrase of the second sentence of paragraph 2, and also the Indian motion for a separate vote on the whole of the second sentence. He suggested that the French proposal should be voted on first and that a vote should be taken on the Indian proposal if the French proposal were rejected. His delegation supported the Ukrainian amendment restoring the International Law Commission's text for the last paragraph of the article. As it had emerged from the discussions in the Second Committee, article 30 would not protect the consular premises from search, requisition, attachment or execution.

37. Mr. WESTRUP (Sweden) noted that there was a trend of opinion in favour of giving consulates the same degree of inviolability as diplomatic missions. His delegation did not consider that the administrative fusion of the diplomatic and consular services justified that view. With regard to diplomatic missions, article 22 of the 1961 Convention provided a degree of inviolability which was the extreme limit of what a receiving State could be expected to concede in its own territory. Sweden had agreed to make that concession for diplomatic missions, but it could not accept such absolute inviolability for consular premises, which would be at variance with the existing rules of international law.

38. With regard to paragraph 2, his delegation was in favour of retaining the first sentence and the first part of the second sentence, so as to permit the authorities of the receiving State to take the necessary steps in the event of fire and other emergencies. The text would thus stress the fundamental difference between diplomatic and consular premises. The privileges that were necessary for diplomatic missions on the principle *ne impediatur legatio* were not needed for the good conduct of consular

relations. His delegation considered, however, that the Second Committee had gone too far by introducing the provision relating to crimes of violence. It seemed to be couched in objective terms, but it could lead to abuses, since it offered a local authority an easy pretext for entering consular premises in cases where inviolability was particularly important. For those reasons, he supported the French motion for a separate vote, but he could not support the Indian motion, which might lead to removal of all the limitations stated in paragraph 2.

39. Mr. TSHIMBALANGA (Congo, Leopoldville) supported the French motion for division, but opposed the Indian motion.

40. Mr. SICOTTE (Canada) said that he had not been convinced by the argument that cases of *force majeure* could not be dealt with by means of a provision in the convention. Nor could he agree with the argument put forward in the Second Committee that the problem of lack of co-operation in the event of fire would not arise in practice. He knew of at least one case of a fire in a building housing privileged premises in which the foreign authority concerned had not given the firemen full facilities to protect life and property. For those reasons, he opposed the motion for division.

41. Miss ROESAD (Indonesia) opposed both motions for division. Article 30, as approved by the Second Committee, adequately safeguarded the principle of inviolability of consular premises. Emergencies such as fire should be covered; the authorities of the receiving State should not be mere onlookers in such cases; they should be able to give their assistance and could only do so if they were allowed to enter the premises as provided in paragraph 2.

42. Mr. KONSTANTINOV (Bulgaria) moved the closure of the debate on the motions for a division.

43. Mr. KRISHNA RAO (India) opposed the motion for closure.

44. Mr. MONACO (Italy), objected that it was necessary for any meeting to have a full discussion on substance before it could take a decision on a motion for division of a text.

45. Mr. BOUZIRI (Tunisia) supported the Italian representative.

46. The PRESIDENT put to the vote the Bulgarian motion for closure.

The motion was rejected by 46 votes to 14, with 13 abstentions.

47. Mr. CAMERON (United States of America) moved the adjournment of the meeting.

The motion was carried by 62 votes to 7, with 1 abstention.

The meeting rose at 1.10 p.m.

NINTH PLENARY MEETING

Tuesday, 16 April 1963, at 10.30 a.m.

President: Mr. VEROSTA (Austria)

Consideration of the question of consular relations in accordance with resolution 1685 (XVI) adopted by the General Assembly on 18 December 1961 (*continued*)

[Agenda item 10]

DRAFT CONVENTION

Article 30

(Inviolability of the consular premises) (*continued*)

1. The PRESIDENT invited the Conference to continue its consideration of article 30 in the text drawn up by the drafting committee (A/CONF.25/L.11).

2. Mr. EVANS (United Kingdom) said that two motions had been submitted for the division of paragraph 2 of article 30. Those motions raised a very important question of principle. The evident purpose of the sponsors of those motions was to eliminate the second sentence of paragraph 2 adopted by the Second Committee and to restore the International Law Commission's text which the Second Committee had found unacceptable without the restrictions on the principle of inviolability of consular premises laid down in that sentence. The deletion of the second sentence of paragraph 2 would have the effect of laying down an absolute rule with respect to the inviolability of consular premises which would not be in accordance with the existing rules of customary international law. As a consequence many States might be unable to sign or ratify the convention.

3. In the Second Committee, the United Kingdom delegation, together with other delegations, had proposed an amendment (A/CONF.25/C.2/L.71) to paragraph 2 that would allow the authorities of the receiving State, in the absence of the consent of the head of the consular post or of the diplomatic mission of the sending State, to enter the consular premises with the consent of the Minister for Foreign Affairs of the receiving State or some other agreed minister. That part of the joint amendment had been rejected and the text adopted by the Second Committee constituted a compromise which the United Kingdom delegation was prepared to accept.

4. The United Kingdom remained opposed to the principle of absolute inviolability and it recognized that account should be taken of the exceptional cases mentioned in the second sentence of paragraph 2 which constituted a necessary limitation to the principle of inviolability laid down in paragraph 1. The deletion of that sentence would be equivalent to conferring on consular premises the same privileges as those enjoyed by diplomatic missions, and that was unacceptable to the United Kingdom. His delegation was consequently opposed to a separate vote on the sentence. If, however, the motion for division was carried and the second sentence of paragraph 2 eliminated, the United Kingdom