

United Nations Conference on Consular Relations

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Document:-
A/CONF.25/L.10

Report of the First Committee

Extract from Volume II of the *Official Records of the United Nations Conference on Consular Relations*
(Annexes, Vienna Convention on Consular Relations, Final Act, Optional Protocols, Resolutions)

DOCUMENT A/CONF.25/11**Third report of the General Committee**

[Original : English]
[17 April 1963]

1. The third meeting of the General Committee was held on 17 April 1963 to consider ways and means of expediting the work of the plenary meetings of the Conference. The Committee had before it a report by the Secretariat on the progress of the Conference.

2. The General Committee noted that, at the beginning of the final week of the Conference (16 - 19 April 1963), the Conference had before it for consideration some fifty articles, as prepared by the Drafting Committee in accordance with the instructions of the First and Second Committees, an optional protocol on acquisition of nationality, the final act of the Conference and certain resolutions. It further noted that, on the basis of two meetings a day, the Conference would be required to complete consideration of an average of seven articles at each meeting, namely fourteen articles a day, if it were to conclude its agenda on time. Finally, the Committee noted that at the first two meetings held during the final week of the Conference, the Conference had completed only five articles, thus being already nine articles behind schedule. In view of the considerations just set out, the members of the General Committee were of the opinion that measures should be taken to expedite the work of the plenary meetings of the Conference so that it might complete its agenda on time, particularly as many delegations and members of the Secretariat had other obligations which would require them to leave Vienna on the scheduled closing date of the Conference.

3. The General Committee unanimously recommends to the Conference that the following measures be taken to expedite the work of the plenary meetings :

(a) Morning meetings of the Conference should be convened at 9.30 a.m., to give the Conference an hour longer each day for consideration of its agenda.

(b) Evening meetings should be held on Wednesday, 17 April 1963 and Friday, 19 April 1963, if, on those respective dates the Conference remains appreciably behind schedule at the conclusion of its afternoon meetings. Furthermore, if the Conference has not completed its work on 19 April 1963, two meetings should, if necessary, be held on Saturday, 20 April 1963.

(c) Under rule 23 of the rules of procedure, a time limit of five minutes should be put by the Conference upon statements by representatives on each article. Furthermore, the number of interventions by each representative on each article should be limited to one. Finally, explanations of vote should be limited to two minutes. All these limitations should be subject to the right of the President to permit exceptions, to the extent of an additional two minutes to a speaker so that he might conclude his statement or make a second intervention, if, in the President's opinion, there are exceptional circumstances for so doing.

(d) In cases where joint amendments are submitted, only one of the sponsors thereof should introduce the amendment on behalf of all co-sponsors.

DOCUMENT A/CONF.25/L.10**Report of the First Committee**

[Original : English]
[5 April 1963]

I. OFFICERS OF THE COMMITTEE

1. At its first meeting on 5 March 1963, the Committee elected Mr. Nathan Barnos (Liberia) as Chairman. At its second meeting on 6 March 1963, the Committee elected the following other officers :

First Vice-Chairman : Mr. Pedro Silveira-Barrios (Venezuela) ;

Second Vice-Chairman : Mr. Jerzy Osiecki (Poland) ;

Rapporteur : Mr. Zenon P. Westrup (Sweden).

II. TERMS OF REFERENCE OF THE COMMITTEE

2. At its second plenary meeting on 5 March 1963, the Conference decided to refer to the Committee Chapter I (Consular relations in general ; articles 2-27)

and Chapter IV (General provisions ; articles 68, 70 and 71) of the draft articles adopted by the International Law Commission (A/CONF.25/6) and referred to the Conference in accordance with resolution 1685 (XVI) adopted by the General Assembly on 18 December 1961. The Conference at the same time also referred to the Committee the preparation of a preamble and final clauses, no drafts of which had been prepared by the Commission, and also of the Final Act of the Conference and of any protocols which the Conference might consider necessary.

3. At its third plenary meeting on 28 March 1963, the Conference, on the basis of a recommendation by the General Committee (A/CONF.25/9), unanimously decided that draft articles 52, 53, 54 and 55 adopted by the International Law Commission should be re-allocated from the Second to the First Committee.

4. At its fourth plenary meeting on 2 April 1963, the Conference, on the basis of a recommendation by the General Committee (A/CONF.25/10), unanimously decided to refer to the First Committee the text of article 1 prepared by the Drafting Committee.

III. ORGANIZATION OF THE WORK OF THE COMMITTEE

5. The Committee held 35 meetings during the period from 5 March to 4 April 1963.

6. The Committee had before it the above-mentioned draft articles adopted by the International Law Commission at its thirteenth session (A/CONF.25/6). In accordance with rule 29 of the rules of procedure of the Conference, these draft articles were taken as the basic proposal for discussion. Amendments and proposals relating to these draft articles and proposals of additional articles were submitted by delegations and considered as related below in this report.

7. The deliberations of the Committee are recorded in the summary records of its meetings (A/CONF.25/C.1/SR.1 to 35). The texts adopted by the Committee are annexed hereto.

8. The decisions taken by the Committee were referred to the Drafting Committee.

IV. CONSIDERATION OF AND VOTING UPON THE DRAFT ARTICLES AND THE AMENDMENTS AND PROPOSALS RELATING THERETO

Preamble

9. Two draft preambles were submitted: one by Argentina, Ceylon, Ghana, India, Indonesia and the United Arab Republic jointly (A/CONF.25/C.1/L.71), and the other by Congo (Leopoldville), Ethiopia, Guinea, Liberia, Libya, Mali, Morocco, Sierra Leone, Tunisia and Upper Volta jointly (A/CONF.25/C.1/L.106). The latter draft was withdrawn by its sponsors.

10. At its 29th meeting the Committee unanimously adopted the draft preamble submitted by the six powers (A/CONF.25/C.1/L.71). The Committee referred to the Drafting Committee certain of the suggestions made in the course of the discussion by France, the United Kingdom, Greece, Mexico and Italy.

Article 1

Definitions

11. Article 1 was initially allocated by the Conference in plenary meeting to the Drafting Committee, which considered a number of amendments submitted by various delegations. The Conference then decided, at the fourth plenary meeting, that the text of the article as prepared by the Drafting Committee (A/CONF.25/C.1/L.166) should be referred to the First Committee. The Drafting Committee annexed to its text two amendments to sub-paragraph (j) of paragraph 1, which it

felt should be decided upon by the First Committee. These amendments were, first, that submitted jointly by Brazil and India, and second, the identical amendment submitted by the Federal Republic of Germany, Japan and Nigeria individually.

Paragraph 1

Introductory sentence

12. No amendments were submitted. The sentence was adopted without objection.

Sub-paragraph (a)

13. No amendments were submitted. The sub-paragraph was adopted without objection.

Sub-paragraph (b)

14. No amendments were pressed to a vote. The sub-paragraph was adopted without objections.

Sub-paragraph (c)

15. No amendments were submitted. The sub-paragraph was adopted without objection.

Sub-paragraph (d)

16. Mexico suggested orally that in the Spanish text the words "*en calidad de tal*" be replaced by "*con este carácter*"; the suggestion was referred to the Drafting Committee. The sub-paragraph was adopted without objection.

Sub-paragraph (e)

17. The Federal Republic of Germany submitted an oral amendment to add "executive" after "administrative". At its thirty-fourth meeting the Committee rejected the amendment by 33 votes to 10, with 20 abstentions.

Sub-paragraph (f)

18. An amendment was submitted by the Netherlands (A/CONF.25/C.1/L.167), which was orally revised by the addition of "and" before "who". The amendment was referred to the Drafting Committee.

Sub-paragraph (g)

19. Greece orally proposed to delete this sub-paragraph. The Committee at its thirty-fourth meeting rejected the Greek oral amendment by 49 votes to 2, with 8 abstentions.

Sub-paragraph (h)

20. Greece orally proposed to delete this sub-paragraph. The Committee at its thirty-fourth meeting rejected the Greek oral amendment by 55 votes to 1, with 9 abstentions.

Sub-paragraph (i)

21. Indonesia orally proposed to delete "and who is not an employee of the sending State". Lebanon orally proposed to replace "who is not an employee of the sending State" by "without necessarily being an employee of the sending State".

22. At its thirty-fourth meeting the Committee voted as follows:

(a) By 33 votes to 17, with 14 abstentions, it rejected the Indonesian oral amendment.

(b) By 26 votes to 16, with 21 abstentions, it rejected the Lebanese oral amendment.

(c) By 48 votes to 3, with 13 abstentions, it adopted the sub-paragraph as submitted by the Drafting Committee.

Sub-paragraph (j)

23. As stated above, the Drafting Committee referred two amendments to this sub-paragraph to the First Committee. The amendment of the Federal Republic of Germany, Japan and Nigeria (A/CONF.25/C.1/L.166) was modified by the acceptance by the sponsors of a suggestion by Lebanon that the word "career" be added before "head of consular post".

24. At its thirty-fifth meeting the Committee voted as follows :

(a) The vote on the amendment of the Federal Republic of Germany, Japan and Nigeria, as orally revised, was 29 votes in favour, 29 against, with 6 abstentions, and consequently the amendment was not adopted.

(b) By 53 votes to none, with 5 abstentions, it adopted the joint amendment of Brazil and India (A/CONF.25/C.1/L.166).

(c) By 57 votes to none, with 7 abstentions, it adopted the sub-paragraph as amended.

Sub-paragraph (k)

25. No amendments were pressed to a vote. The sub-paragraph was adopted without objection.

Paragraph 2

26. No amendments were submitted. The paragraph was adopted without objection.

Article as a whole

27. At its thirty-fifth meeting the Committee, by 52 votes to none, with 1 abstention, adopted the article as amended, subject to consideration by the Drafting Committee of the Mexican oral suggestion concerning sub-paragraph (d) and of the Netherlands amendment to sub-paragraph (f).

Title of Chapter I, Section I Establishment and Conduct of Consular Relations

28. An amendment to the Spanish version of the title was submitted by Spain (A/CONF.25/C.1/L.21). At its third meeting the Committee referred the Spanish amendment to the Drafting Committee.

Article 2

Establishment of consular relations

New first paragraph proposed by Czechoslovakia

29. Czechoslovakia submitted an amendment (A/CONF.25/C.1/L.1) proposing a new first paragraph. The amendment was not pressed to a vote.

Paragraph 1

30. An amendment submitted by the United Arab Republic (A/CONF.25/C.1/L.9) was referred by the Committee to the Drafting Committee.

Paragraph 2

31. Amendments were submitted by Bulgaria, by Hungary, by Brazil, Italy and the United Kingdom jointly, by the Republic of Viet-Nam and by India (A/CONF.25/C.1/L.2, 13, 19, 30 and 36 respectively). Guinea submitted an oral sub-amendment to the Hungarian amendment, to replace the words "otherwise agreed" by the words "there is a provision to the contrary". Spain submitted an oral sub-amendment to the Indian amendment to add the words "in accordance with the present Convention and"; the sub-amendment was accepted by India.

32. At its third meeting the Committee voted as follows :

(a) By 37 votes to 35, with 3 abstentions, the Committee rejected the identical amendments of Brazil, Italy and the United Kingdom (A/CONF.25/C.1/L.19) and the Republic of Viet-Nam (A/CONF.25/C.1/L.30), calling for the deletion of paragraph 2.

(b) By 57 votes to 2, with 3 abstentions, the Committee rejected the Bulgarian amendment (A/CONF.25/C.1/L.2).

(c) By 51 votes to 7, with 13 abstentions, the Committee rejected the oral sub-amendment of Guinea to the Hungarian amendment.

(d) By 36 votes to 21, with 16 abstentions, the Committee rejected the Hungarian amendment (A/CONF.25/C.1/L.13).

(e) By 37 votes to 23, with 14 abstentions, the Committee rejected the Indian amendment (A/CONF.25/C.1/L.36), as orally revised by Spain.

(f) The Committee adopted without objection paragraph 2 of the text of the International Law Commission.

Paragraph 3

33. An amendment was submitted by Spain (A/CONF.25/C.1/L.22). After discussion, the Spanish amendment was withdrawn.

Article as a whole

34. At its third meeting the Committee adopted without objection the text of article 2 as proposed by the International Law Commission, subject to consideration by the Drafting Committee of the amendment to paragraph 1, submitted by the United Arab Republic (A/CONF.25/C.1/L.9).

Article 3

Exercise of consular functions

35. Amendments were submitted by the United Arab Republic, Spain, the United States, Italy and Japan (A/CONF.25/C.1/L.10, 24, 40, 41 and 46 respectively). Guinea and Mali submitted an oral amendment to the Spanish amendment, to delete the

word "also". The Committee decided to refer to the Drafting Committee an oral suggestion by Mexico that in the Spanish text of the amendment of Spain, the word "*Convenio*" should be replaced by "*Convención*".

36. At its fourth meeting the Committee voted as follows :

(a) By 44 votes to 19, with 9 abstentions, the Committee rejected the amendment of Italy (A/CONF.25/C.1/L.41).

(b) By 40 votes to 19, with 13 abstentions, the Committee rejected the amendment of the United States (A/CONF.25/C.1/L.40).

(c) By 52 votes to 4, with 13 abstentions, the Committee rejected the oral sub-amendment of Guinea and Mali to the amendment of Spain.

(d) By 57 votes to 5, with 6 abstentions, the Committee adopted the amendment of Spain (A/CONF.25/C.1/L.24).

(e) By 64 votes to 1, with 6 abstentions, the Committee adopted the article as amended, subject to consideration by the Drafting Committee of the suggestion by Mexico regarding the Spanish text.

Article 4

Establishment of a consulate

Paragraph 1

37. No amendments were submitted. At its fifth meeting, the Committee approved without objection the paragraph as drafted by the International Law Commission.

Paragraph 2

38. Amendments were submitted by Spain, Brazil and Italy (A/CONF.25/C.1/L.23, 35 and 42 respectively). The Brazilian amendment was withdrawn in favour of a joint oral amendment by Brazil and Venezuela that the paragraph should read : "The seat of the consulate and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State". The Spanish amendment was withdrawn.

39. At its fifth meeting the Committee decided as follows :

(a) By 27 votes to 12, with 23 abstentions, the Committee adopted the Italian amendment (A/CONF.25/C.1/L.42).

(b) By 32 votes to 16, with 15 abstentions, the Committee adopted the joint oral amendment of Brazil and Venezuela.

(c) The Committee adopted without objection the paragraph as amended.

Paragraph 3

40. An amendment submitted by Spain (A/CONF.25/C.1/L.23) was withdrawn. The Federal Republic of Germany orally proposed that the Italian amendment to paragraph 2 (A/CONF.25/C.1/L.42) should also be applied to paragraph 3. At its fifth meeting, the Com-

mittee adopted without objection the paragraph as so amended.

Paragraph 4

41. Amendments were submitted by Spain, Japan and the United Kingdom (A/CONF.25/C.1/L.23, 47 and 50 respectively). The Spanish amendment was withdrawn.

42. At its fifth meeting the Committee, by 43 votes to 17, with 5 abstentions, rejected the identical amendments of Japan and the United Kingdom (A/CONF.25/C.1/L.47 and 50 respectively) which proposed to delete the paragraph. The Committee adopted without objection paragraph 4 of the text of the International Law Commission.

Paragraph 5

43. Amendments were submitted by the Republic of Viet-Nam, Japan and the United Kingdom (A/CONF.25/C.1/L.31, 47 and 50 respectively). The amendments of the United Kingdom and the Republic of Viet-Nam were withdrawn in favour of a joint amendment of Spain and the Republic of Viet-Nam (A/CONF.25/C.1/L.52), which was orally revised by its sponsors to read : "The prior consent of the receiving State shall also be required for the opening of an office forming part of an existing consulate, but outside the seat thereof". Venezuela orally proposed to delete the paragraph.

44. At its fifth meeting the Committee voted as follows :

(a) By 61 votes to 1, with 4 abstentions, the Committee rejected the Venezuelan oral amendment.

(b) By 36 votes to 20, with 13 abstentions, the Committee adopted the joint amendment of Spain and the Republic of Viet-Nam, as orally revised.

(c) The Committee adopted without objection the paragraph as amended.

Proposed new paragraph 6

45. An amendment submitted by Greece (A/CONF.25/C.1/L.49) proposed to add a new paragraph 6. By 46 votes to 2, with 15 abstentions, the Committee at its fifth meeting decided not to consider this amendment in connexion with article 4.

Article as a whole

46. At its fifth meeting the Committee adopted without objection the article as amended.

New article proposed by Japan

(Exercise of consular functions outside the consular district)¹

47. Japan submitted a proposal (A/CONF.25/C.1/L.48) for a new article between articles 4 and 5. The Committee, at its fifth meeting, decided to consider in conjunction therewith the amendment submitted by Greece (A/CONF.25/C.1/L.49) as a new paragraph 6 of article 4. At the sixth meeting Japan and Greece

¹ The Committee adopted the new article without a title. The above title was suggested by Hungary in the Committee.

withdrew their texts in favour of a joint proposal of Canada, Chile, Cuba, Ghana, Greece and Japan (A/CONF.25/C.1/L.68). An oral amendment by the Federal Republic of Germany to the joint proposal, providing for deletion of the word "express", was accepted by the sponsors. At the same meeting Hungary, Tunisia and Mexico submitted an oral proposal that the new article should read: "Consular functions may in special circumstances and with the consent of the receiving State be performed outside the respective consular district".

48. At its sixth meeting the Committee, by 31 votes to 30, with 9 abstentions, adopted the joint proposal of Canada, Chile, Cuba, Ghana, Greece and Japan, as revised by the oral amendment of the Federal Republic of Germany. As a result, the oral proposal of Hungary, Tunisia and Mexico was not put to the vote.

Article 5

Consular functions

49. Amendments and proposals were submitted in written form by the following: Hungary, A/CONF.25/C.1/L.14; Ukrainian SSR, A/CONF.25/C.1/L.15; Switzerland, A/CONF.25/C.1/L.16; Venezuela, A/CONF.25/C.1/L.20; South Africa, A/CONF.25/C.1/L.25; Austria, A/CONF.25/C.1/L.26; France, A/CONF.25/C.1/L.32; Czechoslovakia, Hungary and Romania, A/CONF.25/C.1/L.33; Czechoslovakia, A/CONF.25/C.1/L.34; India, A/CONF.25/C.1/L.37; Cambodia, A/CONF.25/C.1/L.38; Canada and Netherlands, A/CONF.25/C.1/L.39; Italy, A/CONF.25/C.1/L.43; Spain, A/CONF.25/C.1/L.45; Indonesia, A/CONF.25/C.1/L.51; Mexico, A/CONF.25/C.1/L.53; Japan, A/CONF.25/C.1/L.54; Australia, A/CONF.25/C.1/L.61; Norway, A/CONF.25/C.1/L.63; United States, A/CONF.25/C.1/L.69; Yugoslavia, A/CONF.25/C.1/L.72; Mali, A/CONF.25/C.1/L.73; Greece, A/CONF.25/C.1/L.80; India and Yugoslavia, A/CONF.25/C.1/L.100.

50. Of these, the proposal of Canada and the Netherlands for the text of the article was in the form of a short, general provision; the rest of the documents took as a basis the long, enumerative, non-exhaustive list of consular functions as proposed by the International Law Commission. The Committee decided first to discuss the question of principle whether the article should have a short general form or a long enumerative form.

Question of principle as to the form of the article

51. At its ninth meeting the Committee decided, on a roll-call vote, by 42 votes to 26, with 8 abstentions, not to adopt the short general form for the article. The proposal of Canada and the Netherlands (A/CONF.25/C.1/L.39) was accordingly not considered.

Introductory sentence

52. The amendments submitted by Switzerland, Austria and Norway (A/CONF.25/C.1/L.16, 26 and 63 respectively) applied to this sentence. In addition, the United Kingdom orally proposed an amendment to add

the word "ordinarily" before "consist". The Swiss amendment was withdrawn.

53. At its ninth meeting the Committee voted as follows:

(a) By 43 votes to 7, with ten abstentions, the Committee decided to replace "more especially" by "*inter alia*", as proposed by Austria and Norway (A/CONF.25/C.1/L.26 and 63 respectively).

(b) By 30 votes to 5, with 28 abstentions, the Committee rejected the oral amendment of the United Kingdom.

Sub-paragraph (a)

54. The amendments of Venezuela, South Africa, Indonesia, Japan, Mali and Greece (A/CONF.25/C.1/L.20, 25, 51, 54, 73 and 80) applied to this sub-paragraph. The amendments of Venezuela, South Africa and Greece were withdrawn.

55. At its ninth meeting the Committee voted as follows:

(a) By 48 votes to 10, with 8 abstentions, the Committee rejected the amendment of Indonesia (A/CONF.25/C.1/L.51).

(b) By 62 votes to 1, with 2 abstentions, the Committee rejected the amendment of Japan (A/CONF.25/C.1/L.54).

(c) By 35 votes to 12, with 20 abstentions, the Committee rejected the amendment of Mali (A/CONF.25/C.1/L.73).

(d) By 68 votes to none, with 1 abstention, the Committee adopted the text as drafted by the International Law Commission.

Sub-paragraph (b)

56. The amendment of Czechoslovakia, Hungary Romania (A/CONF.25/C.1/L.33) applied to this sub-paragraph. Spain submitted an oral amendment to add the words "in accordance with the provisions of the present Convention" at the end of the sub-paragraph.

57. At its tenth meeting the Committee voted as follows:

(a) On a roll-call vote, by 31 votes to 22, with 17 abstentions, the Committee adopted the principle contained in the amendment of Czechoslovakia, Hungary and Romania (A/CONF.25/C.1/L.33), leaving the task of precise formulation to the Drafting Committee.

(b) By 23 votes to 16, with 28 abstentions, the Committee adopted the Spanish oral amendment.

(c) The Committee adopted without objection the sub-paragraph as amended, subject to formulation by the Drafting Committee.

Sub-paragraph (c)

58. The amendments of Hungary, Austria, India, Japan and Greece (A/CONF.25/C.1/L.14, 26, 37, 54 and 80 respectively), which applied to this sub-paragraph, all proposed to add the words "by all lawful means" after "Ascertaining". The Greek amendment (A/CONF.25/C.1/L.80) also applied. The Spanish amendment (A/CONF.25/C.1/L.45) was withdrawn.

59. At its tenth meeting the Committee voted as follows :

(a) By 52 votes to 3, with 13 abstentions, the Committee adopted the amendments adding the words "by all lawful means".

(b) By 46 votes to 2, with 16 abstentions, the Committee rejected the amendment of Greece (A/CONF.25/C.1/L.80).

(c) The Committee unanimously adopted the sub-paragraph as amended.

Sub-paragraph (d)

60. The amendment of Spain (A/CONF.25/C.1/L.45) applied to this sub-paragraph.

61. At its tenth meeting the Committee, by 56 votes to 2, with 7 abstentions, rejected the Spanish amendment, and by 63 votes to none, with 3 abstentions, adopted the text as drafted by the International Law Commission.

Sub-paragraph (e)

62. The amendments of Spain (A/CONF.25/C.1/L.45) and Greece (A/CONF.25/C.1/L.80) applied to this sub-paragraph. The Greek amendment was withdrawn.

63. At its eleventh meeting the Committee, by 37 votes to 13, with 18 abstentions, rejected the Spanish amendment, and by 63 votes to none, with 1 abstention, adopted the sub-paragraph as drafted by the International Law Commission.

Sub-paragraph (f)

64. The amendments or proposals of Venezuela, South Africa, Austria, Cambodia, Mexico, Australia and the United States (A/CONF.25/C.1/L.20, 25, 26, 38, 53, 61 and 69 respectively) applied to this sub-paragraph. The amendments of the United States and Cambodia and the first amendment of South Africa were withdrawn.

65. At its eleventh meeting the Committee voted as follows :

(a) By 45 votes to 10, with 14 abstentions, the Committee rejected the Mexican amendment (A/CONF.25/C.1/L.53).

(b) By 28 votes to 26, with 12 abstentions, the Committee adopted the Venezuelan amendment (A/CONF.25/C.1/L.20). In view of this decision, the amendments of Austria and Australia (A/CONF.25/C.1/L.26 and 61 respectively) were not put to the vote.

(c) By 37 votes to 8, with 21 abstentions, the Committee rejected the second South African amendment (A/CONF.25/C.1/L.25).

(d) By 62 votes to none, with 6 abstentions, the Committee adopted the sub-paragraph as amended.

Sub-paragraph (g)

66. The amendments submitted by Hungary, Japan, Australia, the United States and Greece (A/CONF.25/C.1/L.14, 54, 61, 69 and 80 respectively) applied to this sub-paragraph. The Hungarian amendment and the first part of the Japanese amendment were withdrawn.

67. At its eleventh meeting the Committee voted as follows :

(a) By 26 votes to 15, with 19 abstentions, the Committee rejected the United States amendment (A/CONF.25/C.1/L.69).

(b) By 26 votes to 2, with 29 abstentions, the Committee rejected the Greek amendment (A/CONF.25/C.1/L.80).

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

(d) By 57 votes to none, with 5 abstentions, the Committee adopted the sub-paragraph as amended.

Sub-paragraph (h)

68. The amendments of Venezuela, Japan, Australia, the United States and Greece (A/CONF.25/C.1/L.20, 54, 61, 69 and 80) applied to this sub-paragraph. The amendments of Greece and Australia were withdrawn. An oral suggestion by the United Kingdom to insert the word "other" before "persons" was referred to the Drafting Committee.

69. At its twelfth meeting the Committee voted as follows :

(a) By 26 votes to 16, with 21 abstentions, the Committee rejected the United States amendment (A/CONF.25/C.1/L.69).

(b) By 19 votes to 10, with 31 abstentions, the Committee adopted the Venezuelan amendment (A/CONF.25/C.1/L.20). In consequence of this decision, the amendment of Japan (A/CONF.25/C.1/L.54) was not put to the vote.

(c) By 56 votes to 1, with 7 abstentions, the Committee adopted the sub-paragraph as amended.

Sub-paragraph (i)

70. The amendments submitted by Italy, Australia, the United States and Greece (A/CONF.25/C.1/L.43, 61, 69 and 80 respectively) applied to this sub-paragraph. The amendments of Greece and the United States were withdrawn. Australia orally modified its amendment to add, at the beginning of the sub-paragraph, the words "Subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals ...".

71. At its twelfth meeting the Committee voted as follows :

(a) By 27 votes to 24, with 13 abstentions, the Committee adopted the Australian amendment as orally modified.

(b) By 55 votes to 4, with 6 abstentions, the Committee rejected the Italian amendment (A/CONF.25/C.1/L.43).

(c) By 57 votes to 1, with 5 abstentions, the Committee adopted the sub-paragraph as amended.

Sub-paragraph (j)

72. The amendments submitted by Hungary, the Ukrainian SSR, Austria, France, Czechoslovakia and

Japan (A/CONF.25/C.1/L.14, 15, 26, 32, 34 and 54 respectively) applied to this sub-paragraph. The amendments of the Ukrainian SSR and Japan were withdrawn.

73. At its thirteenth meeting the Committee voted as follows :

(a) By 25 votes to 6, with 27 abstentions, the Committee rejected the Austrian amendment (A/CONF.25/C.1/L.26).

(b) By 21 votes to 15, with 23 abstentions, the Committee rejected the Hungarian amendment (A/CONF.25/C.1/L.14).

(c) By 43 votes to 6, with 14 abstentions, the Committee adopted the French amendment (A/CONF.25/C.1/L.32). In view of this decision, the amendment of Czechoslovakia (A/CONF.25/C.1/L.34) was not put to the vote.

(d) By 61 votes to 1, with 1 abstention, the Committee adopted sub-paragraph (j) as amended.

Sub-paragraph (k)

74. The amendments submitted by Venezuela, Austria, Cambodia and Japan (A/CONF.25/C.1/L.20, 26, 38 and 54 respectively) applied to this sub-paragraph.

75. At its thirteenth meeting the Committee voted as follows :

(a) By 50 votes to 3, with 8 abstentions, the Committee rejected the Venezuelan amendment (A/CONF.25/C.1/L.20).

(b) By 48 votes to 2, with 9 abstentions, the Committee rejected the Japanese amendment (A/CONF.25/C.1/L.54).

(c) By 33 votes to 9, with 20 abstentions, the Committee rejected the Austrian amendment (A/CONF.25/C.1/L.26).

(d) By 48 votes to 1, with 12 abstentions, the Committee rejected the Cambodian amendment (A/CONF.25/C.1/L.38).

(e) By 62 votes to 1, with 1 abstention, the Committee adopted the sub-paragraph as drafted by the International Law Commission.

Sub-paragraph (l)

76. The amendments of Austria, Cambodia, Italy, Japan, Norway, the United States and Greece (A/CONF.25/C.1/L.26, 38, 43, 54, 63, 69 and 80 respectively) applied to this sub-paragraph. The amendments of Italy, Japan, the United States and Greece were withdrawn by their sponsors; the Italian amendment was, however, reintroduced by Congo (Leopoldville).

77. At its thirteenth meeting the Committee voted as follows :

(a) By 31 votes to 14, with 16 abstentions, the Committee adopted the Austrian amendment (A/CONF.25/C.1/L.26).

(b) By 36 votes to 3, with 23 abstentions, the Committee adopted the Norwegian amendment (A/CONF.25/C.1/L.63).

(c) By 19 votes to 18, with 23 abstentions, the Committee rejected the Italian amendment (A/CONF.25/C.1/L.43) reintroduced by Congo (Leopoldville).

(d) By 59 votes to none, with 5 abstentions, the Committee adopted the sub-paragraph as amended.

New sub-paragraph (m)

78. Austria (A/CONF.25/C.1/L.26) proposed to add two new sub-paragraphs to the article. The Austrian amendment was withdrawn. India and Yugoslavia withdrew their amendments proposing additions to the article (A/CONF.25/C.1/L.37 and 72 respectively) in favour of a joint Indian-Yugoslav amendment (A/CONF.25/C.1/L.100). The sponsors orally revised the amendment by replacing "and" by "or" between "the receiving State" and "to which no objection".

79. At the thirteenth meeting the Committee, by 35 votes to 15, with 7 abstentions, decided to retain the words "or to which no objection is taken by the receiving State" in the Indian-Yugoslav amendment (A/CONF.25/C.1/L.100), and then, by 46 votes to 5, with 12 abstentions, adopted that amendment.

Re-organization of the article proposed by Austria

80. The Austrian amendment (A/CONF.25/C.1/L.26), in addition to the changes of substance in various sub-paragraphs which have already been referred to, proposed that a new paragraph should begin after sub-paragraph (c) with the words "2. Exercising these functions the consular officials may particularly : ", and also proposed various consequential drafting changes to the ensuing sub-paragraphs.

81. The Committee at its thirteenth meeting decided to refer this proposed re-organization to the Drafting Committee, together with the oral suggestions of several representatives that the re-grouping of the sub-paragraphs should be studied.

Article as a whole

82. At its thirteenth meeting the Committee, by 59 votes to none, with 1 abstention, adopted as a whole the amended text of the article subject to the various points referred to the Drafting Committee.

Joint proposal of Argentina, Australia, Belgium, Colombia, Denmark, Iran, Nigeria, Sweden and the United Kingdom to insert a new article between articles 5 and 6

83. Argentina, Australia, Belgium, Colombia, Denmark, Iran, Nigeria, Sweden and the United Kingdom jointly proposed a new article to be inserted between articles 5 and 6 (A/CONF.25/C.1/L.124), and later revised the text (A/CONF.25/C.1/L.124/Rev.1). Greece proposed an amendment thereto (A/CONF.25/C.1/L.156).

84. The question was raised whether the Conference was competent to consider the nine-power proposal. The Committee decided at its twenty-fourth meeting, by 36 votes to 25, with 8 abstentions, in favour of its competence.

85. In view of the division of opinion on the problem, the Committee at its twenty-sixth meeting established an *ad hoc* sub-committee composed of Brazil, Ceylon, the Federation of Malaya, the Union of Soviet

Socialist Republics, the United Kingdom and Upper Volta to seek a solution. The sub-committee held one meeting, and prepared a draft resolution sponsored by all six of its members (A/CONF.25/C.1/L.160).

86. The sponsors of the other proposal and the amendment withdrew them in favour of the joint draft resolution. At its twenty-seventh meeting the Committee, by 61 votes to none, with 6 abstentions, approved the six-power joint draft resolution (A/CONF.25/C.1/L.160).

Article 6

Exercise of consular functions in a third State

87. No written amendments were submitted to the article. Italy submitted an oral amendment to delete the word "express".

88. At its eighth meeting the Committee, by 48 votes to 16, with 6 abstentions, rejected the Italian oral amendment. It then adopted without objection the text of the article as proposed by the International Law Commission.

Article 7

Exercise of consular functions on behalf of a third State

89. An amendment submitted by the United Kingdom (A/CONF.25/C.1/L.62) was withdrawn in favour of a joint amendment of the Federal Republic of Germany and the United Kingdom (A/CONF.25/C.1/L.79).

90. At its ninth meeting the Committee, by 25 votes to 19 with 21 abstentions, adopted the joint amendment of the Federal Republic of Germany and the United Kingdom (A/CONF.25/C.1/L.79). It then without objection adopted the article as amended.

Article 8

Appointment and admission of heads of consular posts

91. Amendments were submitted by Japan, and jointly by Brazil, Canada, Ceylon, the United Kingdom and the United States (A/CONF.25/C.1/L.55 and 74 respectively). The Japanese amendment was withdrawn.

92. At its fourteenth meeting the Committee, by 38 votes to 25, with 9 abstentions, rejected the joint amendment of Brazil, Canada, Ceylon, the United Kingdom and the United States (A/CONF.25/C.1/L.74). It then, by 54 votes to 5, with 10 abstentions, adopted the text of the article as drafted by the International Law Commission.

Article 9

Classes of heads of consular posts

Paragraph 1

93. An amendment was submitted by Switzerland (A/CONF.25/C.1/L.93). At its fourteenth meeting the Committee, by 29 votes to 26, with 10 abstentions, rejected the Swiss amendment. It then adopted without objection the paragraph as drafted by the International Law Commission.

Paragraph 2

94. An amendment submitted by South Africa (A/CONF.25/C.1/L.81) was referred by the Committee, at its fourteenth meeting, to the Drafting Committee. The text as drafted by the International Law Commission was adopted without objection.

Article as a whole

95. At its fourteenth meeting the Committee, by 56 votes to 1, with 8 abstentions, adopted the article as drafted by the International Law Commission, subject to consideration by the Drafting Committee of an amendment to paragraph 2.

Article 10

The consular commission

Paragraph 1

96. Amendments were submitted by Brazil, Canada, Ceylon, the United Kingdom and the United States jointly, by Brazil, and by Venezuela (A/CONF.25/C.1/L.75, 64 and 87 respectively). The Federal Republic of Germany submitted an oral amendment to transfer the words "as a general rule" so that the end of the paragraph would read "and, as a general rule, the consular district". The five-power joint amendment to this paragraph was withdrawn.

97. At its fifteenth meeting the Committee voted as follows:

(a) By 35 votes to 22, with 5 abstentions, the Committee rejected the identical amendments of Brazil and Venezuela (A/CONF.25/C.1/L.64 and 87 respectively) for the deletion of "as a general rule".

(b) By 25 votes to 21, with 14 abstentions, the Committee rejected the oral amendment of the Federal Republic of Germany.

Paragraph 2

98. Amendments were submitted by Brazil, Canada, Ceylon, the United Kingdom and the United States jointly, and by Venezuela (A/CONF.25/C.1/L.75 and 87 respectively). The five-power amendment was referred to the Drafting Committee.

99. At its fifteenth meeting the Committee, by 49 votes to 8, with 4 abstentions, rejected the Venezuelan amendment.

Paragraph 3

100. Amendments were submitted by Italy and Venezuela (A/CONF.25/C.1/L.83 and 87 respectively).

101. At its fifteenth meeting the Committee voted as follows:

(a) By 49 votes to 5, with 7 abstentions, the Committee rejected the Italian amendment (A/CONF.25/C.1/L.83) which proposed to delete the paragraph.

(b) By 27 votes to 19, with 14 abstentions, the Committee adopted the Venezuelan amendment (A/CONF.25/C.1/L.87).

New paragraph proposed by Italy

102. The amendment of Italy (A/CONF.25/C.1/

L.83) proposed a new paragraph at the end of the article. The Republic of Viet-Nam submitted an oral sub-amendment proposing that the new paragraph should begin with the words "At the request of the receiving State".

103. At its fifteenth meeting the Committee voted as follows :

(a) By 20 votes to 3, with 38 abstentions, the Committee rejected the oral sub-amendment of the Republic of Viet-Nam.

(b) By 26 votes to 21, with 15 abstentions, the Committee rejected the new paragraph proposed by Italy (A/CONF.25/C.1/L.83).

Article as a whole

104. At its fifteenth meeting the Committee unanimously approved the article as amended, subject to consideration by the Drafting Committee of an amendment to paragraph 2.

Article 11

The exequatur

105. Amendments or proposals were submitted by Austria, by Japan, by Brazil, Canada, Ceylon, the United Kingdom and the United States jointly, by Argentina, and by India (A/CONF.25/C.1/L.27, 56, 76, 91 and 101 respectively). The five-Power joint amendment was withdrawn. Japan withdrew the last sentence of paragraph 2 of its proposal.

106. At its fifteenth meeting the Committee voted as follows :

(a) By 49 votes to 3, with 9 abstentions, the Committee adopted the principle contained in the amendments of Argentina and India (A/CONF.25/C.1/L.91 and 101 respectively), referring to the Drafting Committee the preparation of the text in the light of the two amendments, and its placement within the article.

(b) By 21 votes to 13, with 26 abstentions, the Committee rejected the Austrian amendment (A/CONF.25/C.1/L.27).

(c) By 37 votes to 8, with 17 abstentions, the Committee rejected the Japanese proposal as orally modified.

(d) By 60 votes to 1, with 2 abstentions, the Committee adopted the article as amended, subject to the Drafting Committee's preparation of a text in accordance with the decisions taken.

Article 12

Formalities of appointment and admission

107. Amendments were submitted by Brazil and Italy (A/CONF.25/C.1/L.65 and 84 respectively).

108. At its sixteenth meeting the Committee voted as follows :

(a) By 17 votes to 15, with 23 abstentions, the Committee adopted the Brazilian amendment (A/CONF.25/C.1/L.65).

(b) By 26 votes to 21, with 14 abstentions, the Committee rejected the Italian amendment (A/CONF.25/C.1/L.84).

(c) By 56 votes to none, with 1 abstention, the Committee adopted the article as amended.

Article 13

Provisional admission

109. Amendments were submitted by Belgium, Spain, Italy, Venezuela and Nigeria (A/CONF.25/C.1/L.11, 60, 85, 88 and 103 respectively). Spain withdrew the second of its amendments, and Italy and Nigeria withdrew their amendments. Venezuela accepted an oral sub-amendment by Spain to replace the word "six" by "twelve".

110. At its sixteenth meeting the Committee voted as follows :

(a) By 40 votes to 8, with 17 abstentions, the Committee rejected the first Spanish amendment (A/CONF.25/C.1/L.60).

(b) By 46 votes to 6, with 16 abstentions, the Committee rejected the Venezuelan amendment (A/CONF.25/C.1/L.88) as revised through acceptance of the oral sub-amendment of Spain.

(c) By 61 votes to 1, with 2 abstentions, the Committee adopted the Belgian amendment (A/CONF.25/C.1/L.11).

(d) The Committee unanimously adopted the article as amended.

Article 14

Obligation to notify the authorities of the consular district

111. Amendments were submitted by Italy; by Hungary and the Ukrainian Soviet Socialist Republic jointly; by India; and by South Africa (A/CONF.25/C.1/L.86, 94, 107 and 122 respectively). The amendment of Italy was withdrawn. The United Arab Republic submitted an oral amendment to replace "the present articles" by "the provisions of the present Convention", which was referred to the Drafting Committee. India orally revised its amendment by deleting the word "undue".

112. At its sixteenth meeting the Committee voted as follows :

(a) By 26 votes to 17, with 22 abstentions, the Committee rejected the Indian amendment (A/CONF.25/C.1/L.107) as orally revised.

(b) By 44 votes to 2, with 17 abstentions, the Committee adopted the joint amendment of Hungary and the Ukrainian Soviet Socialist Republic (A/CONF.25/C.1/L.94).

(c) By 33 votes to 15, with 17 abstentions, the Committee rejected the South African amendment (A/CONF.25/C.1/L.122).

(d) By 63 votes to none, with 2 abstentions, the Committee adopted the article as amended.

*Article 15**Temporary exercise of the functions of head of a consular post**Paragraph 1*

113. Amendments were submitted by Belgium; by Hungary and the Ukrainian Soviet Socialist Republic jointly; by Canada; and by Italy (A/CONF.25/C.1/L.12, 95, 108 and 115 respectively).

114. At its seventeenth meeting the Committee, by 44 votes to 5, with 13 abstentions, adopted the Belgian amendment (A/CONF.25/C.1/L.12) to the paragraph. In consequence of this decision it did not vote on the other amendments.

Paragraph 2

115. Amendments were submitted by Belgium, Italy and South Africa (A/CONF.25/C.1/L.12, 115 and 123 respectively). The Italian amendment was withdrawn. Belgium orally modified its amendment so as to add the following sentence to the paragraph as drafted by the International Law Commission: "The receiving State may make the admission as acting head of post of a person who is neither a diplomatic nor a consular official of the sending State in the receiving State conditional upon its consent".

116. At its seventeenth meeting the Committee, by 36 votes to 8, with 11 abstentions, rejected the South African amendment (A/CONF.25/C.1/L.123) to the paragraph. At its eighteenth meeting the Committee, by 40 votes to 9, with 14 abstentions, adopted the Belgian amendment as orally modified.

Paragraph 3

117. An amendment submitted by Belgium (A/CONF.25/C.1/L.12) was withdrawn by its sponsor, but was reintroduced by the Netherlands. An oral amendment by the United Arab Republic, to place a full stop after the words "head of post" in the text of the International Law Commission and to make the second sentence read: "While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as the head of the consular post concerned", was referred to the Drafting Committee.

118. At its eighteenth meeting the Committee, by 25 votes to 24, with 12 abstentions, adopted the Belgian amendment (A/CONF.25/C.1/L.12) reintroduced by the Netherlands.

Paragraph 4

119. An amendment was submitted by Belgium (A/CONF.25/C.1/L.12). Congo (Leopoldville) submitted an oral amendment to add at the end of the paragraph: "if the receiving State does not object thereto".

120. At its eighteenth meeting the Committee, by 32 votes to 26, with 8 abstentions, rejected the Belgian amendment (A/CONF.25/C.1/L.12). By 29 votes to 10, with 23 abstentions, it adopted the oral amendment of Congo (Leopoldville).

Article as a whole

121. At its eighteenth meeting the Committee, by 53 votes to 2, with 9 abstentions, adopted the article as amended.

*Article 16**Precedence**Paragraphs 1 and 2*

122. No amendments were submitted.

Paragraph 3

123. Amendments were submitted by Italy and South Africa (A/CONF.25/C.1/L.116 and 127 respectively).

124. At its eighteenth meeting the Committee, by 30 votes to 29, with 5 abstentions, adopted the Italian amendment (A/CONF.25/C.1/L.116) and, by 35 votes to 19, with 11 abstentions, rejected the South African amendment (A/CONF.25/C.1/L.127).

Paragraph 4

125. Amendments were submitted by Italy and South Africa (A/CONF.25/C.1/L.116 and 127 respectively). South Africa orally modified its amendment by deleting the words "in the class to which they themselves belong".

126. At its eighteenth meeting the Committee, by 42 votes to 16, with 8 abstentions, adopted the South African amendment (A/CONF.25/C.1/L.127) as orally modified. As a consequence, it did not vote on the Italian amendment (A/CONF.25/C.1/L.116). The paragraph as amended was adopted without objection.

Paragraph 5

127. An amendment submitted by South Africa (A/CONF.25/C.1/L.127) was rejected by the Committee at its eighteenth meeting by 24 votes to 22, with 18 abstentions.

Paragraph 6

128. An amendment was submitted by South Africa (A/CONF.25/C.1/L.127). Ghana orally proposed to delete the paragraph.

129. At its eighteenth meeting the Committee, by 23 votes to 7, with 33 abstentions, rejected the oral amendment of Ghana to delete the paragraph, and by 24 votes to 18, with 22 abstentions, rejected the South African amendment (A/CONF.25/C.1/L.127).

New paragraph 7 proposed by Congo (Leopoldville)

130. An amendment by the Congo (Leopoldville) (A/CONF.25/C.1/L.133) proposing a new paragraph 7 was withdrawn by its sponsor.

Article as a whole

131. At its eighteenth meeting the Committee, by 63 votes to none, with 1 abstention, adopted the article as amended.

*Article 17**Performance of diplomatic acts by the head of a consular post**Paragraph 1*

132. Amendments were submitted by Japan, the Federal Republic of Germany, Venezuela, Canada, India and South Africa (A/CONF.25/C.1/L.57, 78, 89,

109, 110 and 128 respectively). The Japanese amendment was withdrawn. The South African amendment was referred to the Drafting Committee. Canada and India withdrew their amendments in favour of the following joint oral amendment; "In a State where the sending State has no diplomatic mission or where the sending State is not represented by a diplomatic mission of a third State, a consular official may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular official shall not be deemed to confer upon him any right to claim diplomatic privileges and immunities".

133. At its nineteenth meeting the Committee, by 46 votes to 11, with 9 abstentions, rejected the amendments of the Federal Republic of Germany and Venezuela (A/CONF.25/C.1/L.78 and 89 respectively) for the deletion of the paragraph. It then, by 56 votes to 1, with 10 abstentions, adopted the oral joint amendment of Canada and India. The paragraph as amended was adopted by 56 votes to 2, with 6 abstentions. The suggestion that in the first sentence "and" should replace "or" was referred to the Drafting Committee.

Paragraph 2

134. Amendments were submitted by Venezuela, Italy and the United Kingdom (A/CONF.25/C.1/L.89, 117 and 125 respectively). The United Kingdom accepted an oral sub-amendment by Austria to replace the words "normally accorded" by the words "accorded by customary international law or by international agreements". Kuwait submitted an oral sub-amendment to the United Kingdom amendment, to insert the words "international or" before the words "inter-governmental organization".

135. At its nineteenth meeting the Committee voted as follows:

(a) By 54 votes to 7, with 3 abstentions, it rejected the Venezuelan amendment (A/CONF.25/C.1/L.89) to delete the paragraph.

(b) By 27 votes to 16, with 23 abstentions, it adopted the Italian amendment (A/CONF.25/C.1/L.117).

(c) By 38 votes to 5, with 22 abstentions, it rejected the oral sub-amendment of Kuwait to the United Kingdom amendment.

(d) By 62 votes to 1, with 7 abstentions, it adopted the United Kingdom amendment (A/CONF.25/C.1/L.125) as modified through the acceptance of the Austrian oral sub-amendment.

(e) By 62 votes to none, with 7 abstentions, it adopted the paragraph as amended.

Article as a whole

136. At its nineteenth meeting the Committee, by 63 votes to 1, with 4 abstentions, adopted the article as amended.

Article 18

Appointment of the same person by two or more States as a consular officer

137. Amendments were submitted by Italy and the United Kingdom (A/CONF.25/C.1/L.118 and 126 respectively).

138. At its nineteenth meeting the Committee voted as follows:

(a) By 33 votes to 14, with 15 abstentions, it adopted the Italian amendment (A/CONF.25/C.1/L.118).

(b) By 27 votes to 20, with 17 abstentions, it adopted the United Kingdom amendment (A/CONF.25/C.1/L.126). The adoption of that amendment required that, in the title of the article, "head of a consular post" should be replaced by "a consular officer".

(c) By 45 votes to none, with 19 abstentions, it adopted the article as amended.

Article 19

Appointment of the consular staff

Paragraph 1

139. An amendment submitted by Spain (A/CONF.25/C.1/L.131) was withdrawn. At its twentieth meeting the Committee adopted without objection the paragraph as drafted by the International Law Commission.

New paragraph 2 proposed by the Federal Republic of Germany

140. At its twentieth meeting the Committee, by 53 votes to 11, with 7 abstentions, adopted a new paragraph 2 proposed by the Federal Republic of Germany (A/CONF.25/C.1/L.130). The question where the new paragraph should be inserted was referred to the Drafting Committee.

Paragraph 2

141. Amendments were submitted by Switzerland, by Japan, and by Hungary and Poland jointly (A/CONF.25/C.1/L.17, 58 and 96 respectively), all calling for deletion of the paragraph.

142. At its twentieth meeting the Committee, by 33 votes to 26, with 11 abstentions, rejected the amendments calling for deletion.

New paragraph 3 proposed by Italy

143. An amendment submitted by Italy (A/CONF.25/C.1/L.119) was orally revised, by acceptance of a suggestion by South Africa, to read as follows: "Likewise the receiving State may, if such is required by its law, grant to a consular official who is appointed to a consulate in accordance with paragraph 1 of this article and who is not the head of post the exequatur".

144. At its twentieth meeting the Committee, by 40 votes to 17, with 13 abstentions, adopted the Italian amendment as orally modified. A suggestion by Nigeria that the words "the exequatur" should be replaced between "grant" and "to" was referred to the Drafting Committee.

Article as a whole

145. At its twentieth meeting the Committee, by 56 votes to 11, with 3 abstentions, adopted the article as amended.

*Article 20**Size of the staff*

146. Amendments were submitted by Argentina, Nigeria, India and Turkey (A/CONF.25/C.1/L.92, 104, 111 and 135 respectively). The amendments of Argentina, India and Nigeria were withdrawn in favour of a joint oral amendment to replace "reasonable and normal limits" by "limits considered by it to be reasonable and normal". Turkey accepted an oral sub-amendment of the United Arab Republic to add "within the consular district", and orally revised its amendment to read "to satisfy the needs of the consulate for the performance of consular functions within the limits of the consular district, having regard to the circumstances and conditions which exist therein".

147. At its twenty-first meeting the Committee voted as follows:

(a) By 48 votes to 1, with 16 abstentions, it adopted the joint oral amendments of Argentina, India and Nigeria.

(b) By 15 votes to 8, with 40 abstentions, it rejected the Turkish amendment as orally modified.

(c) By 57 votes to none, with 10 abstentions, it adopted the article as amended.

*Article 21**Order of precedence as between the officials of a consulate*

148. Amendments were submitted by Brazil, Hungary, Nigeria, Italy and South Africa (A/CONF.25/C.1/L.66, 97, 105, 120 and 129). Nigeria withdrew its amendment. Brazil orally revised its amendment, in accordance with a suggestion by Liberia, to add to its text "and shall be notified by him to the Ministry for Foreign Affairs of the receiving State or to the authority designated by the said Ministry".

149. At its twenty-first meeting the Committee voted as follows:

(a) By 48 votes to 5, with 10 abstentions, it rejected the amendment of South Africa (A/CONF.25/C.1/L.129).

(b) By 33 votes to 8, with 24 abstentions, it rejected the Brazilian amendment (A/CONF.25/C.1/L.66) as orally modified.

(c) By 45 votes to 3, with 18 abstentions, it adopted the Hungarian amendment (A/CONF.25/C.1/L.97).

(d) By 27 votes to 15, with 23 abstentions, it rejected the Italian amendment (A/CONF.25/C.1/L.120).

(e) By 61 votes to 1, with 3 abstentions, it adopted the article as amended.

*Article 22**Appointment of nationals of the sending State**Proposed deletion of the article*

150. An amendment submitted by Japan (A/CONF.25/C.1/L.59) proposed to delete the whole article. The

Committee, at its twenty-first meeting, by 52 votes to 11, with 4 abstentions, rejected that amendment.

Paragraph 1

151. An amendment submitted by South Africa (A/CONF.25/C.1/L.137), proposing deletion of the paragraph, was rejected by the Committee at its twenty-first meeting, by 45 votes to 13, with 9 abstentions. At the same meeting an oral amendment by Kuwait to replace "in principle" by "normally" was rejected by 36 votes to 9, with 20 abstentions.

Paragraph 2

152. Amendments were submitted by Brazil and China (A/CONF.25/C.1/L.67 and 112 respectively). The Netherlands submitted an oral amendment to replace the words "except with the consent of that State which may be withdrawn at any time" by the words "unless that State after prior notification does not object thereto".

153. At its twenty-first meeting the Committee voted as follows:

(a) By 47 votes to 10, with 9 abstentions, it rejected the oral amendment of the Netherlands.

(b) By 35 votes to 13, with 17 abstentions, it adopted the Brazilian amendment (A/CONF.25/C.1/L.67).

(c) By 26 votes to 5, with 23 abstentions, it rejected the Chinese amendment (A/CONF.25/C.1/L.112).

Paragraph 3

154. An amendment submitted by South Africa (A/CONF.25/C.1/L.112) was rejected by the Committee at its twenty-first meeting by 40 votes to 4, with 21 abstentions.

Article as a whole

155. At its twenty-first meeting the Committee, by 57 votes to 6, with 3 abstentions, adopted the article as amended.

*Article 23**Withdrawal of exequatur: persons deemed unacceptable*

156. The following amendments were submitted: United States, A/CONF.25/C.1/L.3/Rev.1; Switzerland, A/CONF.25/C.1/L.18; Austria, A/CONF.25/C.1/L.28; Chile, A/CONF.25/C.1/L.90; Hungary, A/CONF.25/C.1/L.98; Spain, A/CONF.25/C.1/L.114; Mexico, A/CONF.25/C.1/L.134; Congo (Leopoldville), A/CONF.25/C.1/L.146; India, A/CONF.25/C.1/L.147; Austria and Switzerland, A/CONF.25/C.1/L.149; Argentina, A/CONF.25/C.1/L.150.

157. The first of the amendments of Spain and the amendment of Hungary were referred to the Drafting Committee. The individual amendments of Switzerland and Austria were withdrawn in favour of their joint amendment, and India withdrew its amendment in favour of paragraph 2 of that joint amendment. Chile, Argentina and Mexico withdrew their amendments, and Spain withdrew the second and third of its amendments, in favour of a joint oral amendment sponsored by the four Powers, which was identical with the joint amend-

ment of Austria and Switzerland except that (i) in paragraph 1 the last word "acceptable" was replaced by "*persona grata*", and (ii) in paragraph 2 of the Spanish text the words "*a motivar*" were replaced by "*a exponer los motivos de*". The Committee considered and voted upon the two joint amendments together, leaving the differences between them to be considered by the Drafting Committee.

Paragraph 1

158. The joint amendments of Austria and Switzerland (A/CONF.25/C.1/L.149) and of Argentina, Chile, Mexico and Spain related to this paragraph. At its twenty-third meeting the Committee, by a vote of 41 to 25, with 2 abstentions, adopted those amendments. The Drafting Committee was requested to examine the question of the use of "acceptable" or of "*persona grata*" in the light of the records of the First Committee's discussions.

Paragraph 2

159. The amendment by the Congo (Leopoldville) (A/CONF.25/C.1/L.146) was rejected by the Committee at its twenty-third meeting by 17 votes to 12, with 39 abstentions.

Paragraph 3

160. The United States amendment (A/CONF.25/C.1/L.3/Rev.1) was adopted by the Committee at its twenty-third meeting by 66 votes to none, with 2 abstentions.

New paragraph 4

161. The new paragraph proposed in the joint amendments of Austria and Switzerland (A/CONF.25/C.1/L.149) and of Argentina, Chile, Mexico and Spain was adopted unanimously by the Committee at its twenty-third meeting. The question of the Spanish text was referred to the Drafting Committee.

Article as a whole

162. At its twenty-third meeting the Committee, by 66 votes to none, with 3 abstentions, adopted the article as amended.

Article 24

Notification of the appointment, arrival and departure of members of the consulate, members of their families and members of the private staff

163. Amendments were submitted by Spain, South Africa, Indonesia and India (A/CONF.25/C.1/L.132, 138, 144 and 148 respectively). The amendment of Spain was withdrawn, as was the South African amendment to sub-paragraph (a) of paragraph 1. The Indian amendment to sub-paragraph (a) of paragraph 1 was orally revised by the insertion of the words "affecting their status" between the word "changes" and the word "that".

164. At its twenty-third meeting the Committee voted as follows :

(a) By 53 votes to none, with 7 abstentions, it adopted

the Indian amendment to sub-paragraph (a) of paragraph 1 (A/CONF.25/C.1/L.148) as orally revised.

(b) By 15 votes to 11, with 34 abstentions, it rejected the Indonesian amendment to sub-paragraph (d) of paragraph 1 (A/CONF.25/C.1/L.144).

(c) By 24 votes to 15, with 25 abstentions, it rejected the South African amendment to sub-paragraph (d) of paragraph 1 (A/CONF.25/C.1/L.138).

A separate vote on each sub-paragraph of paragraph 1 having been requested :

(d) It unanimously adopted the introductory phrase to paragraph 1 as drafted by the International Law Commission.

(e) It unanimously adopted sub-paragraph (a) as amended.

(f) By 63 votes to 1, with no abstentions, it adopted sub-paragraph (b) as drafted by the International Law Commission.

(g) By 62 votes to 1, with 1 abstention, it adopted sub-paragraph (c) as drafted by the International Law Commission.

(h) By 60 votes to 2, with 3 abstentions, it adopted sub-paragraph (d) as drafted by the International Law Commission.

(i) It unanimously adopted paragraph 2 as drafted by the International Law Commission.

(j) By 65 votes to none, with 1 abstention, it adopted the article as amended.

Article 25

Modes of termination of the functions of a member of the consulate

165. An amendment was submitted by South Africa (A/CONF.25/C.1/L.139). An oral suggestion by Czechoslovakia to replace "in particular" by "*inter alia*" was referred to the Drafting Committee.

166. At its twenty-third meeting the Committee, by 53 votes to 1, with 13 abstentions, rejected the South African amendment (A/CONF.25/C.1/L.139). It then, by 60 votes to none, with 5 abstentions, adopted the article as drafted by the International Law Commission, subject to consideration by the Drafting Committee of the suggestion of Czechoslovakia.

Article 26

Right to leave the territory of the receiving State and facilitation of departure

167. Amendments were submitted by the United States, Indonesia and Czechoslovakia (A/CONF.25/C.1/L.4 and Add.1, 145 and 151 respectively). The first two amendments proposed by the United States in document A/CONF.25/C.1/L.4/Add.1 were referred to the Drafting Committee.

168. At its twenty-third meeting the Committee voted as follows :

(a) By 33 votes to 6, with 18 abstentions, it adopted the Indonesian amendment (A/CONF.25/C.1/L.145).

(b) By 45 votes to none, with 15 abstentions, it adopted in principle the amendment of Czechoslovakia (A/CONF.25/C.1/L.151), leaving the question of formulation to the Drafting Committee.

(c) By 31 votes to 3, with 29 abstentions, it adopted the third amendment of the United States in document A/CONF.25/C.1/L.4/Add.1.

(d) By 17 votes to 16, with 29 abstentions, it rejected the new paragraph proposed by the United States (A/CONF.25/C.1/L.4).

(e) By 61 votes to none, with 1 abstention, it adopted the article as amended.

Article 27

Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances

169. Amendments were submitted by the United States, Hungary, China, Portugal, the United Kingdom and Australia (A/CONF.25/C.1/L.5, 99, 113, 141, 142 and 152 respectively). The amendments of the United States were withdrawn. At its twenty-fourth meeting the Committee appointed a working group composed of the sponsors of amendments to the article, which was requested to produce a consolidated text of the amendments for the consideration of the Committee. The text produced by the Working Group is contained in document A/CONF.25/C.1/L.157. That text was orally revised on the proposal of the United States, by replacing the words "it contains" in sub-paragraph (a) of paragraph 2 by the words "of the consulate".

170. At its twenty-sixth meeting the Committee voted as follows:

(a) By 34 votes to 23, with 12 abstentions, it rejected the amendment of the first sentence of paragraph 1 submitted by the working group (A/CONF.25/C.1/L.157).

(b) By 44 votes to none, with 21 abstentions, it adopted the new paragraph 2 (replacing paragraphs 2 and 3 of the International Law Commission's draft), submitted by the working group (A/CONF.25/C.1/L.157), as orally revised on the proposal of the United States.

(c) By 64 votes to none, with 4 abstentions, it adopted the article as amended.

Article 52

Question of the acquisition of the nationality of the receiving State

171. Amendments or proposals were submitted by the United States, by the Netherlands, by Japan, by Canada, by Brazil (A/CONF.25/C.2/L.8, 19, 86, 123 and 164 respectively) and by Belgium, Spain and Portugal jointly (A/CONF.25/C.1/L.164). The proposals of the United States, Canada, Japan and Brazil were withdrawn in favour of a joint proposal of Brazil, Canada, Ghana, Japan and the United States (A/CONF.25/C.2/L.123/Rev.1), which was similar to the joint proposal of Belgium, Spain and Portugal.

172. At its thirty-first meeting the Committee, by 52 votes to 4, with 4 abstentions, adopted the proposals of Belgium, Spain and Portugal (A/CONF.25/C.1/L.164) and of Brazil, Canada, Ghana, Japan and the United States (A/CONF.25/C.2/L.123/Rev.1) to delete article 52, and to request the Drafting Committee to prepare an optional protocol concerning acquisition of nationality similar to that approved by the United Nations Conference on Diplomatic Intercourse and Immunities in 1961. In consequence of this decision the amendment submitted by the Netherlands (A/CONF.25/C.2/L.19) was not voted on.

Article 53

Beginning and end of consular privileges and immunities

Paragraph 1

173. An amendment to the paragraph submitted by the United Kingdom (A/CONF.25/C.2/L.137) was withdrawn by its sponsor. Italy first orally reintroduced the words "from the date of his admission or provisional admission by the receiving State" from the United Kingdom amendment, and then adopted an oral suggestion by Lebanon that, in the French text of the article as drafted by the International Law Commission, the words "*ès qualité admise*" should be inserted after "*Etat de résidence*".

174. At its thirty-second meeting the Committee, by 33 votes to 12, with 20 abstentions, rejected the principle of the Italian oral amendment.

Amendment affecting paragraphs 2, 3 and 5

175. Greece submitted an amendment (A/CONF.25/C.2/L.162/Rev.1, third paragraph) calling for the re-drafting of paragraphs 2, 3 and 5. At its thirty-second meeting the Committee, by 48 votes to 2, with 12 abstentions, rejected the Greek amendment.

Paragraph 2

176. Amendments were submitted by Japan, Cambodia, the United Kingdom and Greece (A/CONF.25/C.2/L.87, 128, 137 and 162/Rev.1, respectively). The amendments of Japan and Cambodia were withdrawn.

177. At its thirty-second meeting the Committee voted as follows:

(a) By 45 votes to 1, with 15 abstentions, it rejected the Greek amendment (A/CONF.25/C.2/L.162/Rev.1, paragraph 1).

(b) By 29 votes to 25, with 8 abstentions, it adopted the United Kingdom amendment to the paragraph (A/CONF.25/C.2/L.137).

Paragraph 3

178. An amendment submitted by South Africa (A/CONF.25/C.1/L.165) was adopted by the Committee at its thirty-second meeting by 22 votes to 20, with 17 abstentions.

Paragraph 4

179. Identical amendments were submitted by the United States and Greece (A/CONF.25/C.2/L.9 and

162/Rev.1, respectively). At its thirty-second meeting the Committee, by 34 votes to 19, with 10 abstentions, adopted those amendments.

Paragraph 5

180. No amendments were submitted.

Article as a whole

181. At its thirty-second meeting the Committee, by 49 votes to none, with 15 abstentions, adopted the article as amended.

Article 54

Obligations of third States

Amendments to replace paragraphs 1 and 2 by a single paragraph

182. Amendments to replace paragraphs 1 and 2 were submitted by Japan, and by Belgium and Ireland jointly (A/CONF.25/C.2/L.88 and 174 respectively). The sponsors of the joint amendment accepted an oral suggestion by Japan that the words "and employees" be inserted after "consular officials", and Japan withdrew its amendment.

183. At its thirty-third meeting the Committee, by 35 votes to 15, with 13 abstentions, rejected the joint amendment of Belgium and Ireland (A/CONF.25/C.2/L.174) as orally revised.

Paragraph 1

184. Amendments were submitted by the United States and by Poland (A/CONF.25/C.2/L.10 and 141 respectively). The United States accepted an oral suggestion by Spain that the word "such" in the United States amendment should be replaced by "all".

185. At its thirty-third meeting the Committee, by 41 votes to 10, with 11 abstentions, adopted the Polish amendment (A/CONF.25/C.2/L.141). It then, by 34 votes to 16, with 12 abstentions, adopted the United States amendment as orally revised.

Paragraph 2

186. No amendments were submitted which applied only to paragraph 2.

Paragraph 3

187. Amendments were submitted by the United States, Thailand, Japan and the United Kingdom (A/CONF.25/C.2/L.10, 68, 88 and 138 respectively). The amendment of the United States, and also the amendment of Japan proposing deletion of the second sentence, were withdrawn. Israel suggested that in view of the Second Committee's decision relating to consular couriers *ad hoc* in paragraph 6 of article 35, a reference to consular couriers *ad hoc* should be added to the second sentence; this suggestion was referred to the Drafting Committee.

188. At its thirty-third meeting the Committee, by 53 votes to 1, with 12 abstentions, adopted the United Kingdom amendment (A/CONF.25/C.2/L.138). It then, by 24 votes to 19, with 21 abstentions, adopted the amendments of Thailand and Japan (A/CONF.25/C.2/L.68 and 88 respectively), which proposed to add the word "official" before "correspondence" in the first sentence.

Paragraph 4

189. No amendments were submitted to this paragraph.

Article as amended

190. At its thirty-third meeting the Committee, by 59 votes to none, with 7 abstentions, adopted the article as amended.

Article 55

Respect for the laws and regulations of the receiving State

191. An amendment to paragraph 3 was submitted by Spain (A/CONF.25/C.2/L.187). At its thirty-second meeting the Committee, by 31 votes to none, with 28 abstentions, adopted the Spanish amendment. The article as amended was adopted unanimously.

Proposal of Switzerland to insert a new article between articles 67 and 68

Optional character of the institution of consular agents who are not heads of posts

192. A proposal for a new article to be inserted after article 67 was submitted by Switzerland (A/CONF.25/C.1/L.102/Rev.1). At its twenty-eighth meeting the Committee, by 32 votes to 12, with 17 abstentions, adopted the new article proposed by Switzerland.

Article 68

Exercise of consular functions by diplomatic missions

Paragraph 1

193. An amendment was submitted by the United Kingdom (A/CONF.25/C.1/L.153) to this paragraph. At its twenty-sixth meeting the Committee, by 42 votes to 16, with 11 abstentions, adopted the United Kingdom amendment.

Paragraph 2

194. Amendments to this paragraph were submitted by the United States and South Africa (A/CONF.25/C.1/L.6 and 140 respectively). The South African amendment was withdrawn. The United States amendment was orally revised by its sponsor so that it read: "Members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission may exercise such functions only with the consent of the receiving State if the receiving State so requires". At its twenty-sixth meeting the Committee, by 25 votes to 24, with 19 abstentions, rejected the United States amendment as orally revised.

Paragraph 3

195. Amendments to this paragraph were submitted by Italy and the United Kingdom (A/CONF.25C.1/L.121 and 153 respectively). At its twenty-sixth meeting the Committee, by 23 votes to 11, with 34 abstentions, rejected the Italian amendment, and by 39 votes to 14, with 16 abstentions, adopted the United Kingdom amendment.

Paragraph 4

196. Amendments to this paragraph were submitted by the United States, South Africa and the United Kingdom (A/CONF.25/C.1/L.6, 140/Add.1 and 153 respectively). Ghana submitted an oral amendment to delete the words "continue to"; that amendment was referred to the Drafting Committee. The amendments of the United States and South Africa were withdrawn. At its twenty-sixth meeting the Committee, by 34 votes to 18, with 17 abstentions, rejected the amendment of the United Kingdom (A/CONF.25/C.1/L.153).

Article as a whole

197. At its twenty-sixth meeting the Committee, by 61 votes to none, with 10 abstentions, adopted the article as amended.

NOTE. — Article 69 was considered by the Second Committee.

*Article 70**Non-discrimination*

198. An amendment to paragraph 2 was submitted by the Federal Republic of Germany (A/CONF.25/C.1/L.44). The United Arab Republic orally proposed to re-draft paragraph 1 to read: "In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States". The oral amendment of the United Arab Republic was referred to the Drafting Committee.

199. At its twenty-sixth meeting the Committee, by 39 votes to 15, with 14 abstentions, adopted the amendment of the Federal Republic of Germany (A/CONF.25/C.1/L.44). The article as amended was then adopted by 51 votes to 1, with 16 abstentions.

*Article 71**Relationship between the present articles and conventions or other international agreements*

200. Amendments submitted by the Netherlands, Austria, and Canada (A/CONF.25/C.1/L.8, 29 and 136 respectively) were withdrawn in favour of a joint amendment submitted by the three powers (A/CONF.25/C.1/L.154). A proposal submitted by India (A/CONF.25/C.1/L.155) was withdrawn in favour of a joint oral amendment submitted by Ceylon, India, Liberia, Mali, the United Arab Republic and Yugoslavia to add the following paragraph to the text of the International Law Commission: "2. Nothing in the present Convention precludes States from concluding agreements or conventions confirming or supplementing or extending or amplifying the provisions thereof". Ceylon, India, Mali, the United Arab Republic and Yugoslavia also orally proposed a joint draft resolution reading as follows:

"The United Nations Conference on Consular Relations

Recommends that States which have become parties to the present Convention shall review and revise, if necessary, the existing agreements or conventions in so far as they are incompatible with the basic rules embodied in the present Convention".

201. At its twenty-eighth meeting the Committee decided to vote first on the six-Power joint oral amendment and on the five-Power joint oral draft resolution. It then voted as follows:

(a) By 23 votes to 6, with 36 abstentions, it adopted the new paragraph 2 orally proposed by Ceylon, India, Liberia, Mali, the United Arab Republic and Yugoslavia. In consequence the joint amendment of Austria, Canada and the Netherlands (A/CONF.25/C.1/L.154) was not put to the vote.

(b) The article as amended was adopted by 54 votes to none, with 9 abstentions.

(c) The five-Power joint oral draft resolution was voted on in principle, and was rejected by 27 votes to 8, with 27 abstentions.

*Provision on the settlement of disputes
Disputes clause*

202. Proposals were submitted by the United States, by Switzerland, by Belgium, and by Ghana and India jointly (A/CONF.25/C.1/L.70, 161, 162 and 163 respectively). Argentina submitted an oral amendment to the United States proposal, to replace the words "shall be submitted at the request of either of the parties to the International Court of Justice" by the words "shall be submitted by mutual consent of the parties to conciliation, to arbitration or to the International Court of Justice". The second paragraph of the Swiss proposal was withdrawn by its sponsor, but was reintroduced by Yugoslavia.

203. At its thirty-first meeting the Committee voted as follows:

(a) By 33 votes to 24, with 10 abstentions, it rejected a motion that the proposal of Ghana and India (A/CONF.25/C.1/L.163) should be voted on first.

(b) By 25 votes to 22, with 19 abstentions, it rejected the Argentine oral amendment to the United States proposal.

(c) On a roll-call vote, by 31 votes to 28, with 13 abstentions, it adopted the United States proposal. In consequence of this decision, the first paragraph of the Swiss proposal (A/CONF.25/C.1/L.161), the proposal of Belgium (A/CONF.25/C.1/L.162), and the joint proposal by Ghana and India (A/CONF.25/C.1/L.163) were not put to a vote.

(d) By 27 votes to 24, with 18 abstentions, it adopted the second paragraph of the Swiss proposal (A/CONF.25/C.1/L.161) reintroduced by Yugoslavia.

(e) On a roll-call vote, by 39 votes to 14, with 15 abstentions, it adopted the article as a whole.

Final Clauses

204. A proposal of draft final provisions was submitted by the United States (A/CONF.25/C.1/L.7).² Amendments to that proposal were submitted by the Union of Soviet Socialist Republics, and jointly by the United Arab Republic and Yugoslavia (A/CONF.25/C.1/L.158 and 159 respectively). India orally

² The disputes clause included in document A/CONF.25/C.1/L.7 was intended as a separate proposal, and was discussed separately from the final provisions.

suggested that the joint amendment of the United Arab Republic and Yugoslavia should be revised by redrafting the insertion to read: "or by parties to conventions on consular relations which have been registered with the Secretariat of the United Nations", and this suggestion was accepted by the sponsors.

205. At its twenty-eighth meeting the Committee voted as follows:

(a) On a roll-call vote, by 49 votes to 15, with 8 abstentions,³ it rejected the amendments of the Union of Soviet Socialist Republics (A/CONF.25/C.1/L.158).

(b) On a roll-call vote, by 44 votes to 16, with 12 abstentions, it rejected the joint amendment of the United Arab Republic and Yugoslavia, as revised in accordance with the suggestion of India.

(c) On a roll-call vote, by 53 votes to 11, with 10 abstentions, it adopted the first article proposed by the United States (A/CONF.25/C.1/L.7).

(d) It unanimously adopted the second article proposed by the United States.

(e) By 55 votes to 11, with 5 abstentions, it adopted the third article proposed by the United States.

(f) It unanimously adopted the fourth article proposed by the United States.

(g) By 56 votes to 10, with 5 abstentions, it adopted the fifth article proposed by the United States.

(h) By 59 votes to 11, with 5 abstentions, it adopted the sixth article proposed by the United States.

ANNEX I

Text adopted by the First Committee

PREAMBLE⁴

The States Parties to the Present Convention,

Recalling that consular relations have been established among peoples of all nations since ancient times,⁵

³ The Delegation of Ghana informed the Secretariat that "The policy of Ghana which has always been in favour of the doctrine of 'all States' remains unchanged", and that consequently the vote of Ghana on this amendment, recorded as "abstention", should be changed to "yes".

⁴ The Committee adopted the preamble subject to rewording by the Drafting Committee. The representative of France suggested that, although the joint draft Preamble submitted by Congo (Leopoldville), Ethiopia, Guinea, Liberia, Libya, Mali, Morocco, Sierra Leone, Tunisia and Upper Volta (A/CONF.25/C.1/L.106) had been withdrawn, the Drafting Committee should take its wording into account when considering the Preamble. This draft preamble reads as follows:

"Recalling that consular relations have been established among peoples of all nations since ancient times,

"Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

"Considering that a United Nations Conference adopted on 18 April 1961 the Vienna Convention on Diplomatic Relations,

"Believing that an international convention on consular relations would also contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Considering that the United Nations Conference on Diplomatic Intercourse and Immunities adopted on 18 April 1961 the Vienna Convention on Diplomatic Relations,⁶

Believing that an international convention on consular intercourse, privileges and immunities could also contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,⁷

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of functions by consulates on behalf of their respective States,⁸

Affirming that the rules of customary international law should continue to govern matters not expressly regulated by the provisions of the present convention,

Have agreed as follows:

ARTICLES

Article 1

Definitions

1. For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(a) "Consular post" means any consulate-general, consulate, vice-consulate or consular agency;

(b) "Consular district" means the area assigned to a consular post for the exercise of its functions;

(c) "Head of consular post" means the person charged with the duty of acting in that capacity;

"Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention,

"Have agreed as follows:"

⁵ The representative of the United Kingdom suggested that the words "since ancient times" in the first paragraph might be placed before the words "consular relations" in order to bring the English text into line with the French and Spanish.

⁶ The representative of Greece considered that the third paragraph was unnecessary. The representative of the United Kingdom suggested that, in drafting this paragraph, the words "intercourse and immunities" might be omitted.

⁷ The representative of Greece suggested the replacement in this paragraph of the words "intercourse, privileges and immunities" by the word "intercourse, privileges, immunities and functions".

The representative of the United Kingdom considered it advisable to substitute, in this paragraph, the word "relations" for the phrase "intercourse, privileges and immunities".

The representative of Mexico also proposed the deletion of the words "privileges and immunities".

⁸ The representative of Italy suggested that the words "on behalf" should be replaced by the words "in their capacity of officials". The representative of the United Kingdom suggested the replacement of the word "consular" by "such" as a consequential change of his suggestions relating to the third and fourth paragraphs.

The representative of Mexico proposed that the Spanish text should be modified as follows:

(1) Replacing "*dichos*" by "*los*";

(2) Adding the word "*consulares*" after the words "*privilegios e inmunidades*";

(3) Adding the word "*individuos*" after the words "*beneficiar a*";

(4) Replacing the word "*sus*" by the word "*las*".

(d) "Consular officer" means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions;⁹

(e) "Consular employee" means any person employed in the administrative or technical service of a consular post;

(f) "Member of the service staff" means any person employed in the domestic service of a consular post;¹⁰

(g) "Members of the consular post" means consular officers, consular employees and members of the service staff;

(h) "Members of the consular staff" means consular officers, other than the head of a consular post, consular employees and members of the service staff;

(i) "Member of the private staff" means a person who is employed exclusively in the private service of a member of the consular post and who is not an employee of the sending State;

(j) "Consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

(k) "Consular archives" includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping.

2. Consular officers are of two categories, namely career consular officers and honorary consular officers.

CHAPTER I. — CONSULAR RELATIONS IN GENERAL

SECTION I. — ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS¹¹

Article 2¹²

Establishment of consular relations

1. The establishment of consular relations between States takes place by mutual consent.

2. The consent given to the establishment of diplomatic relations between two States implies, unless otherwise stated, consent to the establishment of consular relations.

3. The severance of diplomatic relations shall not *ipso facto* involve the severance of consular relations.

Article 3¹³

Exercise of consular functions

Consular functions are exercised by consulates. They are also exercised by diplomatic missions in accordance with the provisions of the present Convention.¹⁴

⁹ The representative of Mexico suggested that, in the Spanish text, the words "*en calidad de tal*" should be replaced by the words "*con este carácter*".

¹⁰ The Committee decided to refer the Netherlands amendment (A/CONF.25/C.1/L.167), as orally revised, to the Drafting Committee. This amendment reads:

"Delete the semi-colon at the end of sub-paragraph (f), and add the following: 'or of a member of a consular post and who is employee of the sending State.'"

¹¹ The amendment to the title of Section I of Chapter I submitted by Spain (A/CONF.25/C.1/L.21) was referred to the Drafting Committee. This amendment reads as follows: "In the Spanish text, replace the word "*conducta*" by the word "*ejercicio*".

¹² Article 2 was adopted by the Committee, subject to the Drafting Committee's decision on the amendment to paragraph 1 submitted by the United Arab Republic (A/CONF.25/

Article 4

Establishment of a consulate

1. A consulate may be established in the territory of the receiving State only with that State's consent.

2. The seat of the consulate, its rank, and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consulate, its rank, or in the consular district may be made by the sending State only with the consent of the receiving State.

4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or an agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consulate, but outside the seat thereof.

New article between articles 4 and 5¹⁵

A consular official may, in special circumstances, with the consent of the receiving State, exercise his functions outside his consular district.

Article 5¹⁶

Consular functions

Consular functions consist *inter alia*¹⁷ of:

(a) Protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

(b) Promoting trade and furthering the development of economic, cultural, scientific and all other friendly relations

C.1/L.9). This amendment reads as follows: "1. The establishment of consular relations between two States takes place by mutual consent".

¹³ The United Arab Republic amendment to this article (A/CONF.25/C.1/L.10) was referred to the Drafting Committee. It reads as follows:

"Consular functions are exercised: (a) by consulates or (b) by diplomatic missions in accordance with the provisions of article 68".

In this respect, it must be pointed out that the words "article 68" which also appeared in the original text of the International Law Commission's Draft were replaced by the Committee by the words "the present Convention".

¹⁴ The representative of Mexico suggested the replacement in the Spanish text of the word "*Convenio*" by the word "*Convención*".

¹⁵ This new article was adopted by the Committee without title. The representative of Hungary, during the debate on the proposals made, suggested the following title: "Exercise of consular functions outside the consular district". The Committee referred to the Drafting Committee the question of the place where this new article should be incorporated into the Convention.

¹⁶ The Committee decided to refer the question of inserting a sentence to begin new paragraph 2 [Austrian amendment (A/CONF.25/C.1/L.26)] between sub-paragraphs (c) and (d) of the text of the International Law Commission together with the question of the whole systematic arrangement of article 5 to the Drafting Committee. The text proposed by Austria reads as follows: "2. Exercising these functions the consular officials may particularly:":

¹⁷ The Committee amended the text of the International Law Commission's draft by replacing the words "more especially" by the words "*inter alia*". Some delegates stated during the debate that this amendment applies only to the English text.

between the sending State and the receiving State in accordance with the provisions of the present Convention ;¹⁸

(c) Ascertaining by all lawful means conditions and developments in the economic, commercial, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested ;

(d) Issuing passports and travel documents to nationals of the sending State, and visas or other appropriate documents to persons wishing to travel to the sending State ;

(e) Helping and assisting nationals of the sending State ;

(f) Acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature providing always that there is nothing contrary thereto in the laws of the receiving State ;

(g) Safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the law of the receiving State ;

(h) Safeguarding, within the limits imposed by the laws of the receiving State, the interests of minors and¹⁹ persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons ;

(i) Subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, where, because of absence or any other reason, these nationals are unable at the proper time to assume the defence of their rights and interests, for the purpose of obtaining, in accordance with the law of the receiving State, provisional measures for the preservation of these rights and interests ;

(j) Transmitting judicial and extra-judicial documents or executing letters rogatory in accordance with conventions in force or, in the absence of such conventions, in any other manner compatible with the law of the receiving State ;

(k) Exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels used for maritime or inland navigation, having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews ;

(l) Extending assistance to vessels and aircraft mentioned in the previous sub-paragraph, and to their crews, taking statements regarding the voyage of a vessel, examining and stamping ships' papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the law of the sending State.

(m) Performing, apart from those provided for in clauses (a) to (l) of this article, such other consular functions entrusted by the sending State, which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State, and those referred to in the international agreements in force between the sending State and the receiving State.

¹⁸ The Committee approved the principle of "developing friendly relations" contained in the Czechoslovak, Hungarian and Romanian amendment (A/CONF.25/C.1/L.33), leaving to the Drafting Committee the final formulation of this sub-paragraph.

¹⁹ A United Kingdom suggestion to insert the word "other" between the words "and" and "persons" was referred to the Drafting Committee.

Article 6

Exercise of consular functions in a third State

The sending State may, after notifying the States concerned, entrust a consulate established in a particular State with the exercise of consular functions in a third State, unless there is express objection by one of the States concerned.

Article 7

Exercise of consular functions on behalf of a third State

Upon appropriate notification to the receiving State and unless it objects, the sending State may exercise consular functions in the receiving State on behalf of a third State.

Article 8

Appointment and admission of heads of consular posts

Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

Article 9²⁰

Classes of heads of consular posts

1. Heads of consular posts are divided into four classes :
 - (1) Consuls-general,
 - (2) Consuls,
 - (3) Vice-consuls,
 - (4) Consular agents.
2. The foregoing paragraph in no way restricts the power of the contracting parties to fix the designation of the consular officials other than the head of post.

Article 10

The consular commission

1. The head of a consular post shall be furnished by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, the full name of the head of post, his category and class, the consular district, and the seat of the consulate.
2. The sending State shall communicate the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.²¹
3. If the receiving State so accepts, the commission or similar instrument may be replaced by a notice to the same effect, addressed by the sending State to the receiving State. This notification shall contain the particulars referred to in paragraph 1.

²⁰ The Committee referred to the Drafting Committee the South African amendment to paragraph 2 of this article (A/CONF.25/C.1/L.81). The amendment proposes the replacement of the text of paragraph 2 by the following: "The foregoing paragraph in no way restricts the right of the sending State and the receiving State to agree on designations, other than those enumerated in that paragraph, for consular officials who are not heads of post".

²¹ The Committee referred to the Drafting Committee the joint amendment of Brazil, Canada, Ceylon, United Kingdom and United States of America to article 10, paragraph 2, contained in document A/CONF.25/C.1/L.75. This amendment proposes replacing the words "Government of the State in whose territory the head of a consular post is to exercise his functions" with the words "receiving State".

Article 11

The exequatur

1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an exequatur, whatever the form of this authorization.

2. Subject to the provisions of articles 13 and 15, the head of a consular post may not enter upon his duties until he has received an exequatur.

[The Committee adopted in principle the two following amendments, but referred the questions of drafting and of placement in the text to the Drafting Committee :

Argentine amendment (A/CONF.25/C.1/L.91) :

As a second sentence, add the following :

"The receiving State is not obliged to inform the sending State of its reasons for refusing an exequatur."

Indian amendment (A/CONF.25/C.1/L.101) :

Add a new paragraph which reads as follows :

"The State which refuses the exequatur or other authorization is not obliged to give reasons to the sending State for such refusal."

Article 12

Formalities of appointment and admission

Subject to the pertinent articles of the present Convention the formalities for the appointment and admission of the head of a consular post are determined by the laws and usages of the sending and of the receiving State.

Article 13

Provisional admission

Pending delivery of the exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of this Convention shall apply to him.

Article 14²²

Obligation to notify the authorities of the consular district

As soon as the head of a consular post is admitted even if provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of the consular post to carry out the duties of his office and to have benefit of the provisions of the present articles.

Article 15

Temporary exercise of the functions of head of a consular post

1. If the position of head of post is vacant, or if the head of post is unable to carry out his functions, an acting head of post may act provisionally as head of the consular post.

2. The name of the acting head of post shall be notified, either by the head of post or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by it. As a general rule, this notification shall be given in advance. The receiving State may make the admission

²² The Committee referred to the Drafting Committee an oral amendment of the United Arab Republic to this article to replace at the end of the article the words "the present articles" by the words "the present Convention".

as acting head of post of a person who is neither a diplomatic nor a consular official of the sending State in the receiving State conditional on its consent.

3. The competent authorities shall afford assistance and protection to the acting head of post and admit him, while he is in charge of the post, to the benefit of the present articles on the same basis as the head of the consular post concerned.²³ The receiving State shall not, however, be obliged, under this paragraph, to grant to a person acting in a temporary capacity, the facilities, privileges and immunities which the consular official whom he replaces enjoys subject to specific conditions which the said person does not fulfil.

4. If a member of the diplomatic staff is instructed by the sending State to assume temporarily the direction of a consulate, he shall continue to enjoy diplomatic privileges and immunities while exercising that function if the receiving State does not object thereto.

Article 16

Precedence

1. Heads of consular posts shall rank in each class according to the date of the grant of the exequatur.

2. If, however, the head of the consular post before obtaining the exequatur is admitted to the exercise of his functions provisionally, his precedence shall be determined according to the date of the provisional admission; this precedence shall be maintained after the granting of the exequatur.

3. The order of precedence as between two or more heads of consular posts who obtained the exequatur or provisional admission on the same date shall be determined according to the dates on which their commissions or similar instruments were communicated or of the notice referred to in article 10, paragraph 3.

4. Acting heads of post rank after all heads of post and, as between themselves, they rank according to the dates on which they assumed their functions as acting heads of post indicated in the notification made in terms of paragraph 2 of article 15.

5. Honorary consuls who are heads of post shall rank in each class after career heads of post, in the order and according to the rules laid down in the foregoing paragraphs.

6. Heads of post have precedence over consular officials not holding such rank.

Article 17

Performance of diplomatic acts by the head of a consular post

1. In a State where the sending State has no diplomatic mission or where the sending State is not represented by a diplomatic mission of a third State, a consular official may, with the consent of the receiving State, and without affecting his consular status; be authorized to perform diplomatic acts. The performance of such acts by a consular official shall not be deemed to confer upon him any right to claim diplomatic privileges and immunities.²⁴

²³ An oral amendment of the representative of the United Arab Republic was referred to the Drafting Committee. According to this amendment, the text of the first sentence of paragraph 3 would read as follows: "The competent authorities shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned."

²⁴ Suggestions made by some representatives to replace the word "or" by the word "and" and to replace the expression "consular official" by the expression "consulate" were referred by the Committee to the Drafting Committee. The South African amendment to this paragraph (A/CONF.25/C.1/

2. A head of a consular post or other consular official may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded by customary international law or by international agreements to such a representative, except that, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention.

Article 18

*Appointment of the same person by two or more States as a consular officer*²⁵

Two or more States may appoint the same person as a consular officer in another State, with the consent of the receiving State.

Article 19

Appointment of the consular staff

1. Subject to the provisions of articles 20, 22 and 23, the sending State may freely appoint the members of the consular staff.

2. The full name, category and quality of all consular officials, other than the head of post, shall be notified by the sending State to the receiving State in sufficient time for the receiving State, if it so wishes, to exercise its rights under paragraph 3 of article 23.²⁶

3. The sending State may, if such is required by its law, request the receiving State to grant the exequatur to a consular official appointed to a consulate in conformity with paragraph 1 of this article who is not the head of post.

4. Likewise the receiving State may, if such is required by its law, grant to a consular official who is appointed to a consulate in conformity with paragraph 1 of this article and who is not the head of post the exequatur.²⁷

Article 20

Size of the staff

In the absence of an express agreement as to the size of the consular staff, the receiving State may require that the size of the staff be kept within limits considered by it to be reasonable and normal,²⁸ having regard to circumstances and con-

L.128) was referred by the Committee to the Drafting Committee. This amendment reads as follows: "After the words 'the head of a consular post' insert the words 'of the sending State'". It must be pointed out that in the new text adopted by the Committee the words "the head of a consular post" have been replaced by the words "a consular official".

²⁵ The adoption of the United Kingdom amendment (A/CONF.25/C.1/L.126) replacing the words "head of a consular post" by the words "a consular officer" required a consequential amendment of the title of the article as drafted by the International Law Commission.

²⁶ The Committee left to the Drafting Committee to decide at which point this new paragraph should be inserted. Some representatives suggested that it would be best to insert this paragraph in article 24.

²⁷ A suggestion of the representative of Nigeria with a view to placing the words "the exequatur" after the word "grant" was referred to the Drafting Committee.

²⁸ The insertion of the phrase "limits considered by it to be reasonable and normal" proposed by Argentina, India and Nigeria was adopted by the Committee subject to rewording by the Drafting Committee.

ditions in the consular district and to the needs of the particular consulate.

Article 21

Order of precedence as between the officials of a consulate

The order of precedence as between the officials of a consulate and any change thereof shall be notified by the head of post to the Ministry for Foreign Affairs of the receiving State or to the authority designated by the said Ministry.

Article 22

Appointment of nationals of the receiving State

1. Consular officials should in principle have the nationality of the sending State.

2. Consular officials may not be appointed from among persons having the nationality of the receiving State except with the express consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Article 23

*Withdrawal of exequatur*²⁹

*Persons deemed non grata*³⁰

1. The receiving State may at any time notify the sending State that the head of a consular post or a member of the consular staff is no longer *persona grata*. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consulate.

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this article, the receiving State may, as the case may be, either withdraw the exequatur from the person concerned or cease to consider him as a member of the consular staff.

3. A person may be declared unacceptable before arriving in the territory of the receiving State, or, if already in the receiving State, before entering on his duties with the consulate. In any such case, the sending State shall withdraw his appointment.³¹

4. In the cases mentioned in paragraphs 1 and 3 of the present article the receiving State is not obliged to explain its decision.³²

²⁹ The Committee referred to the Drafting Committee the amendment of Spain (A/CONF.25/C.1/L.114, No. 1) proposing to replace in the Spanish text of the title of this article the word "retiro" by the word "retirada".

³⁰ The question of the use of the words "*persona grata*" or the word "acceptable" in the text and title of this article, together with the relevant summary records of the Committee (A/CONF.25/C.1/SR.22 and SR.23), was referred to the Drafting Committee.

³¹ The Committee referred to the Drafting Committee the Hungarian amendment to this paragraph (A/CONF.25/C.1/L.98). This amendment reads as follows: "In paragraph 3 insert after the words 'A person', the words 'appointed as head of a consular post or as a member of the consular staff'."

³² The Committee referred to the Drafting Committee the final draft of the Spanish text of this paragraph in order to replace the words "*a motivar*" which appear in the Spanish text of document A/CONF.25/C.1/L.149, by the words "*a exponer los motivos de*", on the lines of the corresponding provision of the Spanish text of article 9 of the Vienna Convention on Diplomatic Relations.

Article 24

Notification of the appointment, arrival and departure of members of the consulate, members of their families and members of the private staff

1. The Ministry for Foreign Affairs of the receiving State, or the authority designated by that Ministry, shall be notified of:

(a) The appointment of members of their consulate, their arrival after appointment to the consulate, their final departure or termination of their functions and any other changes affecting their status that may occur at any time in the course of services with the consulate;

(b) The arrival and final departure of a person belonging to the family of a member of the consulate forming part of his household and, where appropriate, the fact that the person becomes or ceases to be a member of the family of a member of the consulate.

(c) The arrival and final departure of members of the private staff in the employ of persons referred to in sub-paragraph (a) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons;

(d) The engagement and discharge of persons resident in the receiving State as members of the consulate or as members of the private staff entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given.

SECTION II. — END OF CONSULAR FUNCTIONS

Article 25

Modes of termination of the functions of a member of the consulate

The functions of a member of the consulate come to an end in particular:

(a) On notification by the sending State to the receiving State that the functions of the member of the consulate have come to an end;

(b) On the withdrawal of the *exequatur* or, as the case may be, the notification by the receiving State to the sending State that the receiving State refuses to consider him as a member of the consular staff.³³

Article 26

Right to leave the territory of the receiving State and facilitation of departure

The receiving State must, even in case of armed conflict, grant facilities in order to enable members of the consulate and their private staff, other than nationals of the receiving State, and members of their families, irrespective of their nationality, to leave at the earliest possible moment [and grant them the necessary time for the preparation of their departure and the transport of their property]. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property with the exception of any such property acquired in the receiving State the export of which is prohibited at the time of departure.³⁴

³³ This article was adopted by the Committee subject to the Drafting Committee's decision on the Czechoslovak oral proposal to replace in the introductory sentence the words "in particular" by the words "*inter alia*".

³⁴ The phrase between brackets was adopted by the Committee subject to rewording by the Drafting Committee.

The United States amendments contained in paragraphs 1 and 2 of document A/CONF.25/C.1/L.4/Add.1 were referred

Article 27

Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances

1. In the event of the severance of consular relations between two States:

(a) The receiving State shall, even in case of armed conflict, respect and protect the consular premises, together with the property of the consulate and its archives;

(b) The sending State may entrust the custody of the consular premises, together with the property it contains and its archives, to a third State acceptable to the receiving State;

(c) The sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

2. In the event of the temporary or permanent closure of a consulate the provisions of paragraph 1 (a) shall apply. In addition:

(a) If the sending State, although not represented in the receiving State by a diplomatic mission, has another consulate in the territory of that State, that consulate may be entrusted with the custody of the premises of the consulate which has been closed together with the property of the consulate and its archives, and, with the consent of the receiving State, with the exercise of consular functions in the district of that consulate; or

(b) If the sending State has no diplomatic mission and no other consulate in the receiving State, the provisions of paragraph 1 (b) and (c) of this article shall be applicable.³⁵

CHAPTER II. — FACILITIES, PRIVILEGES AND IMMUNITIES OF CAREER CONSULAR OFFICIALS AND CONSULAR EMPLOYEES

SECTION II. — FACILITIES, PRIVILEGES AND IMMUNITIES REGARDING CONSULAR OFFICIALS AND EMPLOYEES

Article 52

(Question of the acquisition of the nationality of the receiving State)

[The Committee decided to delete article 52 and request the Drafting Committee to prepare an optional protocol concerning acquisition of nationality similar to that approved by the United Nations Conference on Diplomatic Intercourse and Immunities in 1961.]

Article 53

Beginning and end of consular privileges and immunities

1. Every member of the consulate shall enjoy the privileges and immunities provided in the present articles from the moment he enters the territory of the receiving State on proceeding to take up his post, or if already in its territory, from the

by the Committee to the Drafting Committee. These amendments read as follows:

1. Insert in the first sentence after the words "at the earliest possible moment", the words "after the termination of their functions".

2. Delete from the first sentence the word "their" in the phrase "members of the families of such persons irrespective of their nationality" [as amended by the Committee this phrase reads now in the text of article 26 "and of their families, irrespective of their nationality"] and insert at the conclusion of that phrase the words "forming part of their households".

³⁵ The Committee adopted this article but referred to the Drafting Committee for consideration the words "it contains" in paragraph 1 (b), in view of the adoption of the words "of the consulate" in paragraph 2 (a).

moment when his appointment is notified to the Ministry for Foreign Affairs or to the authority designated by that Ministry.

2. Members of the family of a member of the consulate, forming part of his household, and members of his private staff shall receive the privileges and immunities provided in the present articles from the date from which he enjoys privileges and immunities in accordance with paragraph 1 of this article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the later.

3. When the functions of a member of the consulate have come to an end, his privileges and immunities together with those of the persons referred to in paragraph 2 of this article shall normally cease at the moment when the persons in question leave the country, or on the expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 above, their privileges and immunities shall come to an end immediately they cease to belong to the household or to be in the service of a member of the consulate post provided, however, that if such persons intend leaving the country within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure.

4. However, with respect to acts performed by a member of the consulate in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consulate, the members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them, until the expiry of a reasonable period enabling them to leave the territory of the receiving State.

Article 54

Obligations of third States

1. If a consular official passes through or is in the territory of a third State, which has granted him a visa if a visa was required while proceeding to take up or return to his post or when returning to his own country or making other official journeys, the third State shall accord to him all immunities provided for by the other articles of this Convention as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges and immunities who are accompanying the consular official or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this article, third States shall not hinder the transit through their territory of other members of the consulate or of members of their families.

3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under this Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under this Convention.³⁶

4. The obligations of third States under paragraphs 1, 2 and 3 of this article shall also apply to the persons mentioned

³⁶ The representative of Israel pointed out that the reference made in the second sentence of paragraph 3 to the "consular couriers" would be completed with the addition of the words "and consular couriers *ad hoc*", in view of paragraph 6 of article 35 adopted by the Second Committee. This suggestion was referred to the Drafting Committee.

respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

Article 55

Respect for the laws and regulations of the receiving State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. The consular premises must not be used in any manner incompatible with the consular functions as laid down in the present articles or by other rules of international law.

3. The rule laid down in the preceding paragraph shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consulate. In that event, the said offices shall not, for the purposes of those articles, be deemed to form part of the consular premises.

CHAPTER IV. — GENERAL PROVISIONS

New article

Optional character of the institution of consular agents who are not heads of post

1. Each State is free to decide whether it will establish or admit consular agencies conducted by consular agents not designated as heads of consular post by the sending State.

2. The conditions under which the consular agencies referred to in the preceding paragraph may carry on their activities and the privileges and immunities which may be enjoyed by the consular agents in charge of them, shall be determined by agreement between the sending State and the receiving State.

Article 68

Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the context permits, where consular functions are exercised by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs of the receiving State.

3. In the exercise of consular functions a diplomatic mission may address:

(a) The local authorities of their district;

(b) The central authorities of the receiving State if this is allowed by the laws, regulations and usages of the receiving State or by the relative international agreement.

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 shall continue to be governed by the rules of international law concerning diplomatic relations.³⁷

³⁷ The Committee referred to the Drafting Committee an oral amendment by Ghana proposing the deletion in paragraph 4 of the words "continue to".

*Article 70**Non-discrimination*

1. In the application of the present articles, the receiving State shall not discriminate as between the States parties to this Convention.³⁸

2. However, discrimination shall not be regarded as taking place:

(a) Where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its consulates in the sending State;

(b) Where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

*Article 71**Relationship between the present articles and conventions or other international agreements*

1. The provisions of the present articles shall not affect conventions or other international agreements in force as between States parties to them.³⁹

2. Nothing in the present Convention precludes States from concluding agreements or conventions confirming or supplementing or extending or amplifying the provisions thereof.

*Article ...**Settlement of disputes*

1. Any dispute arising from the interpretation or application of the Convention shall be submitted at the request of either of the parties to the International Court of Justice unless an alternative method of settlement is agreed upon.

2. Any contracting party may, at the time of signing or ratifying this Convention or of acceding thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other contracting parties shall not be bound by the said paragraph with respect to any contracting party which has formulated such a reservation.

FINAL CLAUSES

Article ...

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows, until 31 October 1963 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

³⁸ The Committee referred to the Drafting Committee an oral amendment of the United Arab Republic with a view to replacing paragraph 1 of article 70 by the following text: "1. In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States."

³⁹ The Committee drew the attention of the Drafting Committee to the fact that the words "the present articles" would be replaced by the words "the present Convention". This applies also to the title of the article.

Article ...

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article ...

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article ...

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article ...

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article ...:

(a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles ..., ... and ...;

(b) of the date on which the present Convention will enter into force, in accordance with article

Article ...

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Done at Vienna, this day of April one thousand nine hundred and sixty-three.

ANNEX II

Draft resolution adopted by the First Committee

The United Nations Conference on Consular Relations,

Taking note of the memorandum submitted by the United Nations High Commissioner for Refugees, and noting the statements made by delegations during the course of the discussion,

Requests the Secretary-General of the United Nations to submit for the consideration of the appropriate organs of the United Nations all documents and records pertaining to the discussion of the refugee question mentioned in the aforesaid memorandum, and meanwhile decides not to take any decision on this question.