

United Nations Conference on Consular Relations

Vienna, Austria
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Documents:-
A/CONF.25/C.1/L.1 to L.167

Proposals and amendments submitted in 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*)

PROPOSALS AND AMENDMENTS SUBMITTED IN THE FIRST AND SECOND COMMITTEES

A. Proposals and amendments submitted in the First Committee (A/CONF.25/C.1/L.1 to A/CONF.25/C.1/L.167).

B. Proposals and amendments submitted in the Second Committee (A/CONF.25/C.2/L.1 to A/CONF.25/C.2/L.230).

NOTE: These amendments and proposals are, except where otherwise indicated, amendments and proposals relating to the draft articles on Consular Relations adopted by the International Law Commission at its thirteenth session.

The Conference, at its second plenary meeting, approved the following allocation of the draft articles:

First Committee: Preamble, articles 2 to 27, 68, 70 and 71; the final provisions; the Final Act of the Conference; and any protocols which the Conference might consider necessary.

Second Committee: Articles 28 to 67, and 69.

At its third plenary meeting, the Conference decided that articles 52, 53, 54 and 55 should be re-allocated from the Second to the First Committee. At its fourth plenary meeting, the Conference decided that the Drafting Committee should prepare the text of article 1 for submission to the First Committee prior to consideration of the article by the Conference in plenary meeting.

The proposals and amendments submitted to the plenary Conference will be found on page 166.

A. PROPOSALS AND AMENDMENTS SUBMITTED IN THE FIRST COMMITTEE

DOCUMENT A/CONF.25/C.1/L.1

Czechoslovakia: amendment to article 2

[Original: English]
[5 March 1963]

Insert the following new paragraph as paragraph 1:

"1. Every State has the right to establish consular relations with foreign States."

DOCUMENT A/CONF.25/C.1/L.2

Bulgaria: amendment to article 2

[Original: English]
[5 March 1963]

In paragraph 2, delete the words "unless otherwise stated".

DOCUMENT A/CONF.25/C.1/L.3/Rev.1

United States of America: amendment to article 23

[Original: English]
[19 March 1963]

Add the following words to the first sentence of paragraph 3: ", or, if already in the receiving State, before entering on his duties with the consulate".

DOCUMENT A/CONF.25/C.1/L.4 and Add.1

United States of America: amendments to article 26

[Original: English]
[5 March 1963]

Add the following new paragraph:

"Where such persons or such members of their families have been subjected to the jurisdiction of the judicial authorities of the receiving State departure may be delayed pending conclusion of arrangements satisfactory to the judicial authorities with respect to the matter under adjudication."

[Original: English]
[19 March 1963]

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" and insert at the conclusion of that phrase the words "forming part of their households".

3. Insert in the second sentence, after the words "their property", the words "with the exception of any such property acquired in the receiving State the export of which is prohibited at the time of departure".

DOCUMENT A/CONF.25/C.1/L.5**United States of America: amendments to article 27**

[Original: English]
[5 March 1963]

1. In paragraph 1, strike out the paragraph number and insert, at the end of the opening clause, immediately preceding the colon, the words "or in the event of the temporary or permanent closure of a consulate".

2. In sub-paragraph (a) of paragraph 1, amend the words "respect and protect" to read "accord all due respect and protection to".

3. In sub-paragraph (b) of paragraph 1, substitute the words "of the consulate" for the words "it contains"; insert before the words "to a third State" the words "to the diplomatic mission of the sending State in the receiving State or"; and insert at the end, between the word "State" and the semicolon, the words "or, in the case of the closure of a consulate, to one or more of the other consulates of the sending State in the receiving State".

4. In sub-paragraph (c) of paragraph 1, substitute the words "the interests" for the words "its interests and those", and change the period at the end to a semicolon.

5. Delete paragraphs 2 and 3 and substitute therefor a sub-paragraph (d) reading as follows:

"(d) In the case of closure of a consulate, the sending State may, with the consent of the receiving State, entrust the exercise of consular functions in the district of the closed consulate to one or more of the other consulates of the sending State in the receiving State."

DOCUMENT A/CONF.25/C.1/L.6**United States of America: amendments to article 68**

[Original: English]
[5 March 1963]

1. Amend paragraph 2 to read:

"2. 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 admitted to the exercise of their consular functions in accordance with article 11."

2. Amend paragraph 4 to read:

"4. The members of a diplomatic mission admitted to the exercise of consular functions may enjoy diplomatic privileges and immunities only to the extent extended to them by the receiving State."

DOCUMENT A/CONF.25/C.1/L.7**United States of America: proposed final articles**

[Original: English]
[5 March 1963]

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.

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.

—————
New article

Any dispute arising from the interpretation or application of this 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.

DOCUMENT A/CONF.25/C.1/L.8**Netherlands : amendment to article 71**[Original : English]
[5 March 1963]

Insert the following between the words "agreements" and the words "in force": ", both present and future,".

DOCUMENT A/CONF.25/C.1/L.9**United Arab Republic : amendment to article 2**[Original : French]
[5 March 1963]

Amend paragraph 1 to read :

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

DOCUMENT A/CONF.25/C.1/L.10**United Arab Republic : amendment to article 3**[Original : French]
[5 March 1963]

Amend article 3 to read :

"Consular functions are exercised :

"(a) By consulates ; or

"(b) By diplomatic missions in accordance with the provisions of article 68."

DOCUMENT A/CONF.25/C.1/L.11**Belgium : amendment to article 13**[Original : French]
[5 March 1963]

Amend article 13 to read :

"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."

DOCUMENT A/CONF.25/C.1/L.12**Belgium : amendments to article 15**[Original : French]
[5 March 1963]

1. Amend paragraph 1 to read :

"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. Amend paragraph 2 to read :

"The name of the acting head of post shall be notified in advance, 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. The receiving State may make the

admission of the acting head of post conditional on its consent."

3. Add the following sentence at the end of paragraph 3 :

"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. Add the following words at the end of paragraph 4 : "... if the receiving State gives its consent".

DOCUMENT A/CONF.25/C.1/L.13**Hungary : amendment to article 2**[Original : English]
[5 March 1963]

In paragraph 2, replace the words "unless otherwise stated" by the words "unless otherwise agreed".

DOCUMENT A/CONF.25/C.1/L.14**Hungary : amendments to article 5**[Original : English]
[5 March 1963]

1. In sub-paragraph (c), after the word "Ascertaining", insert the words "by all lawful means".

2. To sub-paragraph (g) add the following words *in fine*: "and co-operating with the competent authorities in drawing up the inventory of the estate and in safeguarding the assets".3. To sub-paragraph (j) add the following sentence *in fine*: "The consul, however, is entitled to serve judicial documents without duress on the nationals of the sending State."**DOCUMENT A/CONF.25/C.1/L.15****Ukrainian Soviet Socialist Republic : amendment to article 5**[Original : Russian]
[5 March 1963]

In sub-paragraph (j), after the words "Serving judicial documents...", add the words "on nationals of the sending State".

DOCUMENT A/CONF.25/C.1/L.16**Switzerland : amendment to article 5**[Original : French]
[5 March 1963]

Amend the introductory sentence to read :

"The functions of consular posts, which must be exercised within the limits of the consular district, consist, in so far as the law of the receiving State does not provide otherwise, more especially of :"

DOCUMENT A/CONF.25/C.1/L.17**Switzerland : amendment to article 19**[Original : French]
[5 March 1963]

Delete paragraph 2.

DOCUMENT A/CONF.25/C.1/L.18**Switzerland : amendment to article 23**[Original : French]
[5 March 1963]

Replace paragraph 1 by the following :

"1. The receiving State may at any time, and without having to explain its decision, inform the sending State that the person concerned is no longer acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consulate."

DOCUMENT A/CONF.25/C.1/L.19**Brazil, Italy and United Kingdom :
amendment to article 2**[Original : English]
[5 March 1963]

Delete paragraph 2.

DOCUMENT A/CONF.25/C.1/L.20**Venezuela : amendments to article 5**[Original : Spanish]
[5 March 1963]

1. In sub-paragraph (a), substitute the words "Watching over" for the word "Protecting".

2. In sub-paragraph (f), add the following phrase at the end of the sub-paragraph : "provided always that there is nothing contrary thereto in the laws of the receiving State."

3. In sub-paragraph (h), add the following phrase at the end of the sub-paragraph : "within the limits imposed by the laws of the receiving State."

4. In sub-paragraph (k), substitute the words "receiving State" for the "sending State" in the third line.

DOCUMENT A/CONF.25/C.1/L.21**Spain : amendment to the title of chapter I, section I**[Original : Spanish]
[5 March 1963]

[This amendment concerns the Spanish text only.]

DOCUMENT A/CONF.25/C.1/L.22**Spain : amendment to article 2**[Original : Spanish]
[5 March 1963]

In paragraph 3, replace the word "severance" by the words "interruption or suspension".

DOCUMENT A/CONF.25/C.1/L.23**Spain : amendments to article 4**[Original : Spanish]
[5 March 1963]

1. In paragraphs 2 and 3 :

This amendment concerns the Spanish text only.

2. Amend paragraph 4 to read as follows :

"4. The consent of the receiving State shall also be required for opening a vice-consulate or an agency in a different locality within the consular district of an existing consulate."

DOCUMENT A/CONF.25/C.1/L.24**Spain : amendment to article 3**[Original : Spanish]
[5 March 1963]

Amend the second sentence to read :

"They may also be exercised by diplomatic missions in accordance with the provisions of the present convention."

DOCUMENT A/CONF.25/C.1/L.25**South Africa : amendments to article 5**[Original : English]
[5 March 1963]

1. Add at the end of sub-paragraph (a) the following words : "... and in a manner compatible with the laws of the receiving State."

2. Insert at the beginning of sub-paragraph (f) the following words : "To the extent consistent with the laws of the receiving State ..."

3. Add at the end of sub-paragraph (f) the following words : "... on behalf of the sending State."

DOCUMENT A/CONF.25/C.1/L.26**Austria : amendments to article 5**[Original : English]
[5 March 1963]

Amend the structure and the wording of this article as follows :

"1. The consular functions consist *inter alia* in :
"(a) [As it stands now as sub-paragraph (a) of the draft] ;

"(b) [As it stands now as sub-paragraph (b) of the draft] ;

"(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 ;

"2. Exercising these functions the consular officials may particularly :

"(a) Issue passports ... [unchanged sub-paragraph (d) of the draft] ;

"(b) Help and assist ... [unchanged sub-paragraph (e) of the draft] ;

- “(c) Act as notary and civil registrar and in capacities of a similar kind, and perform certain functions of an administrative nature if the laws of the receiving State do not provide for the opposite ;
- “(d) Safeguard the interest of nationals ... [unchanged sub-paragraph (g) of the draft] ;
- “(e) Safeguard the interests of minors ... [unchanged sub-paragraph (h) of the draft] ;
- “(f) Represent nationals ... [unchanged sub-paragraph (i) of the draft] ;
- “(g) In civil and commercial matters, serve judicial documents or execute letters rogatory ... [unchanged sub-paragraph (j) of the draft] ;
- “(h) Exercise 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 being listed in the register of the sending State or being otherwise entitled to show flag of the sending State, and of aircraft registered in that State, and in respect of their crews ;
- “(i) Extend necessary assistance to vessels and aircraft mentioned in the previous sub-paragraph, and to their crews, take statements regarding the voyage of a vessel, examine and stamp ships' papers, and, without prejudice to the powers of the authorities of the receiving State, conduct investigations into any incidents which occurred during the voyage, and settle 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 ;
- “(j) Pass on to the entitled persons any benefits, pensions or compensation due to them in accordance with their national laws or with international conventions, in particular under social security legislation ;
- “(k) Receive payment of pensions or allowances due to nationals of the sending State not duly represented.”

DOCUMENT A/CONF.25/C.1/L.27**Austria : amendment to article 11**

[Original : English]
[5 March 1963]

Add a new paragraph reading as follows :

“3. As regards consular agents, the formal *exequatur* may be replaced by an informal admission by the receiving State.”

DOCUMENT A/CONF.25/C.1/L.28**Austria : amendment to article 23**

[Original : English]
[5 March 1963]

Add a new paragraph reading as follows :

“4. In all the cases mentioned in paragraphs 1 and 3 the receiving State is not obliged to explain its decision.”

DOCUMENT A/CONF.25/C.1/L.29**Austria : amendment to article 71**

[Original : English]
[5 March 1963]

Amend article 71 to read :

“The provisions of the present articles shall not affect conventions or other international agreements in force or to be concluded in future between States parties to them.”

DOCUMENT A/CONF.25/C.1/L.30**Republic of Viet-Nam : amendment to article 2**

[Original : French]
[5 March 1963]

Delete paragraph 2.

DOCUMENT A/CONF.25/C.1/L.31**Republic of Viet-Nam : amendment to article 4**

[Original : French]
[5 March 1963]

Amend paragraph 5 to read :

“5. The sending State must obtain the prior express consent of the receiving State whenever it wishes to establish, outside the seat of a consulate, an office forming part of that consulate.”

DOCUMENT A/CONF.25/C.1/L.32**France : amendment to article 5**

[Original : French]
[5 March 1963]

In sub-paragraph (j), replace the words “Serving judicial documents or executing letters rogatory ...” by the words “Transmitting judicial and extra-judicial documents and executing letters rogatory ...”.

DOCUMENT A/CONF.25/C.1/L.33**Czechoslovakia, Hungary and Romania : amendment to article 5**

[Original : English]
[5 March 1963]

Insert at the beginning of paragraph (b) the words “Developing friendly relations.”.

DOCUMENT A/CONF.25/C.1/L.34**Czechoslovakia : amendment to article 5**

[Original : English]
[5 March 1963]

Replace in paragraph (j) the words “judicial documents” by the words “judicial and similar documents of juridical character”.

DOCUMENT A/CONF.25/C.1/L.35**Brazil : amendment to article 4**

[Original : English]
[5 March 1963]

Amend paragraph 2 to read :

"The seat of the consulate and the consular district shall be determined by the sending State with the consent of the receiving State."

DOCUMENT A/CONF.25/C.1/L.36**India : amendment to article 2**

[Original : English]
[5 March 1963]

Add the following at the end of paragraph 2 :

"...in conformity with local laws and customs of the receiving State."

DOCUMENT A/CONF.25/C.1/L.37**India : amendments to article 5**

[Original : English]
[5 March 1963]

1. Insert the following in sub-paragraph (c) after the word "ascertaining" : "by all lawful means".

2. Add a new paragraph (m) as follows :

"(m) In addition to the functions provided for in clauses (a) to (l) of this article, consuls may also perform such other functions which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State."

DOCUMENT A/CONF.25/C.1/L.38**Cambodia : amendments to article 5**

[Original : French]
[5 March 1963]

1. In sub-paragraph (f), delete the words "notary and", and the words "and performing certain functions of an administrative nature".

2. In sub-paragraph (k), delete the words "supervision and".

3. In sub-paragraph (l), delete the words "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".

DOCUMENT A/CONF.25/C.1/L.39**Canada and Netherlands : amendment to article 5**

[Original : English]
[5 March 1963]

Replace article 5 by the following text :

"1. The principal functions ordinarily exercised by consuls are to protect, within the limits of their

consular district, the rights and interests of the sending State and its nationals and to give assistance to the nationals of the sending State in accordance with international law. Consuls may exercise other functions specified in the relevant international agreements in force or entrusted to them by the sending State, the exercise of which is compatible with the laws of the receiving State.

"2. Nothing in this article shall affect the relationship between the sending State and its nationals."

DOCUMENT A/CONF.25/C.1/L.40**United States of America : amendment to article 3**

[Original : English]
[5 March 1963]

In the first sentence, substitute the words "consular officials" for the word "consulates".

DOCUMENT A/CONF.25/C.1/L.41**Italy : amendment to article 3**

[Original : French]
[5 March 1963]

Add the following words at the end of the article : "with the consent of the receiving State".

DOCUMENT A/CONF.25/C.1/L.42**Italy : amendment to article 4**

[Original : French]
[5 March 1963]

In paragraph 2, after the words "seat of the consulate" add the words "its rank".

DOCUMENT A/CONF.25/C.1/L.43**Italy : amendments to article 5**

[Original : French]
[5 March 1963]

1. In sub-paragraph (i), delete the words "or any other reason".

2. In sub-paragraph (l), delete the words "in so far as this may be authorized by the law of the sending State".

DOCUMENT A/CONF.25/C.1/L.44**Federal Republic of Germany : amendment to article 70**

[Original : English]
[6 March 1963]

Replace paragraph 2 by the following text :

"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.”

DOCUMENT A/CONF.25/C.1/L.45

Spain : amendments to article 5

[Original : Spanish]
[6 March 1963]

1. In sub-paragraph (c), replace the word “Ascertaining” by the word “Studying”.

2. In sub-paragraph (d), after the words “appropriate documents” add the words “, whenever necessary,”.

3. At the end of sub-paragraph (e) add the following words : “with special reference to the protection of workers and emigrants of all categories and, further, with special reference to the laws of the receiving State concerning labour and social welfare to which such persons may be subject as provided by the legislation and authorities of the receiving State”.

DOCUMENT A/CONF.25/C.1/L.46

Japan : amendment to article 3

[Original : English]
[6 March 1963]

Delete article 3.

DOCUMENT A/CONF.25/C.1/L.47

Japan : amendments to article 4

[Original : English]
[6 March 1963]

1. Delete paragraph 4.

2. Replace paragraph 5 by the following text :

“5. The sending State may, with the prior express consent of the receiving State, establish branch offices of a consulate within its consular district.”

DOCUMENT A/CONF.25/C.1/L.48

Japan : proposed new article between articles 4 and 5

[Original : English]
[6 March 1963]

Add the following new article between articles 4 and 5 :

“Consular functions are performed by a consular official within the consular district of the consulate to which the official is appointed. A consular official

may, upon notification to and in the absence of objections from the receiving State, perform consular functions outside the said consular district.”

DOCUMENT A/CONF.25/C.1/L.49

Greece : amendment to article 4

[Original : French]
[6 March 1963]

Add a new paragraph 6 reading as follows :

“6. The consul shall not exercise his functions outside his consular district except with the consent of the receiving State.”

DOCUMENT A/CONF.25/C.1/L.50

United Kingdom : amendments to article 4

[Original : English]
[6 March 1963]

1. Delete paragraph 4.

2. Amend paragraph 5 to read as follows :

“The sending State may not, without the prior consent of the receiving State, establish offices forming part of a consulate elsewhere than at the seat of the consulate.”

DOCUMENT A/CONF.25/C.1/L.51

Indonesia : amendment to article 5

[Original : English]
[7 March 1963]

In sub-paragraph (a), insert the words “and by the laws of the receiving State” after the words “permitted by international law”.

DOCUMENT A/CONF.25/C.1/L.52

**Spain and Republic of Viet-Nam :
amendment to article 4**

[Original : French]
[7 March 1963]

Replace paragraphs 4 and 5 by the following text :

“The consent of the receiving State shall also be required for the opening of a vice-consulate or agency in another place in the consular district of an existing consulate, or an office forming part of the said consulate but outside the seat thereof.”

DOCUMENT A/CONF.25/C.1/L.53

Mexico : amendment to article 5

[Original : Spanish]
[7 March 1963]

Amend sub-paragraph (f) to read as follows :

“(f) Acting as notary with respect to documents to be executed in the sending State and as civil

registrar with respect to documents which concern nationals of the sending State, and in capacities of a similar kind in such cases, and performing certain functions of an administrative nature ;”.

DOCUMENT A/CONF.25/C.1/L.54

Japan : amendments to article 5

[Original : English]
[7 March 1963]

1. In sub-paragraph (a), delete the words “, both individuals and bodies corporate.”.

2. In sub-paragraph (c), after the word “Ascertaining”, add the words “by all lawful means”.

3. In sub-paragraph (g), delete the words “, both individuals and bodies corporate,” and add the words “in accordance with the law of the receiving State” at the end of the sub-paragraph.

4. In sub-paragraph (h), insert the words “in accordance with the law of the receiving State,” between the words “nationals of the sending State,” and the words “particularly where”.

5. In sub-paragraph (j), replace the words “executing letters rogatory” by the words “taking depositions”.

6. In sub-paragraph (k), replace the words “in respect of vessels used for maritime or inland navigation, having the nationality of the sending State,” by the words “in respect of vessels and seamen, having the nationality of the sending State.”.

Replace the words “, and in respect of their crews ;” by the words “and their crews ;”.

7. In sub-paragraph (l), delete the words from “taking statements ...” to the end of the paragraph.

DOCUMENT A/CONF.25/C.1/L.55

Japan : amendment to article 8

[Original : English]
[7 March 1963]

Delete article 8.

DOCUMENT A/CONF.25/C.1/L.56

Japan : amendment to article 11

[Original : English]
[7 March 1963]

Replace article 11 by the following text :

“1. The receiving State shall, on presentation of the consular commission or other notification of appointment of the head of a consular post, grant as soon as possible an exequatur or other authorization to perform consular functions. Subject to the provisions of article 13, he may not enter upon his duties until he has received an exequatur or other authorization.

“2. The receiving State may refuse to grant an exequatur or other authorization. However, the reason for such refusal shall be communicated to the sending State by the receiving State.”

DOCUMENT A/CONF.25/C.1/L.57

Japan : amendments to article 17

[Original : English]
[7 March 1963]

In paragraph 1 :

1. Replace the words “the head of a consular post” by the words “a consulate”.

2. Make this paragraph an independent article to be placed in chapter IV of the draft articles.

DOCUMENT A/CONF.25/C.1/L.58

Japan : amendment to article 19

[Original : English]
[7 March 1963]

Delete paragraph 2 of article 19.

DOCUMENT A/CONF.25/C.1/L.59

Japan : amendment to article 22

[Original : English]
[7 March 1963]

Delete article 22.

DOCUMENT A/CONF.25/C.1/L.60

Spain : amendments to article 13

[Original : Spanish]
[7 March 1963]

1. At the beginning of the article add “Once his consular commission or similar instrument has been presented and”.

2. At the end of the article replace the words “and to the benefit of the present articles” by the words “in conformity with the provisions of this convention.”

DOCUMENT A/CONF.25/C.1/L.61

Australia : amendment to article 5

[Original : English]
[6 March 1963]

At the beginning of sub-paragraphs (f), (g), (h) and (i), insert the words :

“So far as the laws of the receiving State do not otherwise provide.”.

DOCUMENT A/CONF.25/C.1/L.62

United Kingdom : amendment to article 7

Amend the article to read :

“Unless the receiving State objects, the sending State may exercise consular functions in the receiving State on behalf of a third State.”

DOCUMENT A/CONF.25/C.1/L.63**Norway : amendments to article 5**

[Original : English]
[7 March 1963]

1. In the introductory sentence, replace the words "more especially" by the words "*inter alia*".
2. In sub-paragraph (l), delete the word "necessary".

DOCUMENT A/CONF.25/C.1/L.64**Brazil : amendment to article 10**

[Original : English]
[7 March 1963]

In paragraph 1, delete the words "as a general rule".

DOCUMENT A/CONF.25/C.1/L.65**Brazil : amendment to article 12**

[Original : English]
[7 March 1963]

Amend article 12 to read :

"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."

DOCUMENT A/CONF.25/C.1/L.66**Brazil : amendment to article 21**

[Original : English]
[7 March 1963]

Amend article 21 to read :

"The order of precedence as between the officials of a consulate shall be established by the head of post."

DOCUMENT A/CONF.25/C.1/L.67**Brazil : amendment to article 22**

[Original : English]
[7 March 1963]

Amend paragraph 2 to read :

"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."

DOCUMENT A/CONF.25/C.1/L.68**Canada, Chile, Cuba, Ghana and Japan :
proposed new article between articles 4 and 5**

[Original : English]
[7 March 1963]

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

DOCUMENT A/CONF.25/C.1/L.69**United States of America : amendments to article 5**

[Original : English]
[8 March 1963]

1. Amend sub-paragraph (f) to read :

"(f) Preparing, attesting, receiving the acknowledgements of, certifying, authenticating, legalizing and, in general, taking such action as may be necessary to perfect or to validate any act, document, or instrument of a legal character, as well as copies thereof, including commercial documents, declarations, registrations, testamentary dispositions, and contracts, whenever such services are required by a national of the sending State for use outside the territory of the receiving State or by any persons for use in the territory of the sending State ;".

2. In sub-paragraph (g), after the word "Safeguarding" insert the words ", within the discretion of the appropriate judicial authorities and if permissible under the law of the receiving State,".

3. In sub-paragraph (h), after the word "Safeguarding" insert the words ", within the discretion of the appropriate judicial authorities and if permissible under the law of the receiving State,".

4. In sub-paragraph (i), delete the word "Representing" and substitute the words "Appearing, within the discretion of the appropriate judicial authorities and if permissible under the law of the receiving State, on behalf of".

5. In sub-paragraph (l), after the word "Extending" insert the words ", to the extent consistent with the laws of the receiving State,".

DOCUMENT A/CONF.25/C.1/L.70**United States of America : proposed disputes clause**

[Original : English]
[8 March 1963]

"Any dispute arising from the interpretation or application of this 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."

DOCUMENT A/CONF.25/C.1/L.71**Argentina, Ceylon, Ghana, India, Indonesia and United Arab Republic : proposed preamble to the Convention**

[Original : English]
[8 March 1963]

"The States parties to the present convention,

"*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 the United Nations Conference on Diplomatic Intercourse and Immunities adopted on 18 April 1961 the Vienna Convention on Diplomatic Relations,

"*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,

"*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,

"*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 :"

DOCUMENT A/CONF.25/C.1/L.72
Yugoslavia : amendment to article 5

[*Original : French*]
[8 March 1963]

At the end of article 5, add a new paragraph 2 reading as follows :

"2. In addition, the consular functions likewise comprise all functions referred to in the international agreements in force between the sending State and the receiving State and also the functions entrusted to the consul by the sending State, provided that the exercise of these functions is not prohibited by the law of the receiving State."

DOCUMENT A/CONF.25/C.1/L.73
Mali : amendment to article 5

[*Original : French*]
[8 March 1963]

At the end of sub-paragraph (a) add the following words :

"... and ensuring that the sending State and its nationals enjoy fully all the rights, prerogatives and advantages which the law and custom of the receiving State accord to aliens generally."

DOCUMENT A/CONF.25/C.1/L.74
Brazil, Canada, Ceylon, United Kingdom,
United States of America : amendment to article 8

[*Original : English*]
[11 March 1963]

Replace the words "heads of consular posts" by the words "consular officials".

DOCUMENT A/CONF.25/C.1/L.75
Brazil, Canada, Ceylon, United Kingdom,
United States of America : amendments to article 10

[*Original : English*]
[11 March 1963]

1. In paragraph 1, replace the words "The head of a consular post" by the words "A consular official", and the words "head of post" by the words "consular official".

2. In paragraph 2, replace the words "Government of the State in whose territory the head of a consular post is to exercise his functions" by the words "receiving State".

DOCUMENT A/CONF.25/C.1/L.76
Brazil, Canada, Ceylon, United Kingdom,
United States of America : amendment to article 11

[*Original : English*]
[11 March 1963]

Combine paragraphs 1 and 2 in one paragraph reading as follows :

"Subject to the provisions of articles 13 and 15, a consular official may not enter upon his duties until he has received an exequatur or other form of authorization from the receiving State."

DOCUMENT A/CONF.25/C.1/L.78
Federal Republic of Germany : amendment to article 17

[*Original : French*]
[11 March 1963]

Delete paragraph 1.

DOCUMENT A/CONF.25/C.1/L.79
Federal Republic of Germany
and the United Kingdom : amendment to article 7

[*Original : English*]
[11 March 1963]

Replace the text of article 7 by the following :

"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."

DOCUMENT A/CONF.25/C.1/L.80
Greece : amendments to article 5

[*Original : French*]
[11 March 1963]

1. In sub-paragraph (a), add the following words at the end of the paragraph : "or by bilateral agreements between the sending State and the receiving State".

2. In sub-paragraph (c), after the word "Ascertain-

ing”, add the words “by all lawful means and without committing the sending State”.

3. In sub-paragraph (e), add the following words at the end of the paragraph: “within the limits permitted by international law and bilateral agreements between the sending State and the receiving State”.

4. Replace sub-paragraph (g) by the following text:

“(g) In matters of succession *mortis causa*, safeguarding the interests of nationals of the sending State and representing those who are absent or lack full capacity”.

5. In sub-paragraph (h), replace the words “particularly where any guardianship or trusteeship is required with respect to such persons” by the words “and making arrangements for their temporary guardianship or trusteeship, provided that this is not contrary to the law of the sending State, until such time as the competent authorities intervene.”.

6. Replace sub-paragraph (i) by the following text:

“(i) Applying, in accordance with the law of the receiving State, for the adoption of provisional measures for preservation of the rights and interests of nationals of the sending State who are absent or lack full capacity.”.

7. In sub-paragraph (l), (i): After the words “Extending necessary assistance” add the words “within the limits permitted by international law or bilateral agreements between the sending State and the receiving State”.

(ii): Replace the words “in so far as this may be authorized by the law of the sending State” by the words “insofar as this is not contrary to the law of the sending State”.

DOCUMENT A/CONF.25/C.1/L.81

South Africa: amendment to article 9

[Original: English]
[11 March 1963]

Replace paragraph 2 by the following text:

“2. The foregoing paragraph in no way restricts the right of the sending State and receiving State to agree on designations, other than those enumerated in that paragraph, for consular officials who are not heads of post.”

DOCUMENT A/CONF.25/C.1/L.82

Federal Republic of Germany: amendment to article 70

[Original: English]
[8 March 1963]

Amend paragraph 2 in order to apply the convention restrictively, when appropriate, on a reciprocal basis.

DOCUMENT A/CONF.25/C.1/L.83

Italy: amendments to article 10

[Original: French]
[12 March 1963]

1. Delete paragraph 3.
2. Add the following paragraph:

“If the receiving State requires it, or if it is the practice of the sending State, consular officials other than the head of post may be furnished with a commission or similar instrument.”

DOCUMENT A/CONF.25/C.1/L.84

Italy: amendment to article 12

[Original: French]
[12 March 1963]

After the words “head of a consular post”, insert the words “and the other consular officials”.

DOCUMENT A/CONF.25/C.1/L.85

Italy: amendment to article 13

[Original: French]
[12 March 1963]

After the words “head of a consular post”, insert the words “and the other consular officials”.

DOCUMENT A/CONF.25/C.1/L.86

Italy: amendment to article 14

[Original: French]
[12 March 1963]

After the words “head of a consular post”, insert the words “and the other consular officials”.

DOCUMENT A/CONF.25/C.1/L.87

Venezuela: amendments to article 10

[Original: Spanish]
[12 March 1963]

1. In paragraph 1, delete the words “as a general rule”.

2. In paragraph 2, delete the words “or other appropriate channel”.

3. Add the following sentence at the end of paragraph 3: “This notification shall contain the particulars referred to in paragraph 1”.

DOCUMENT A/CONF.25/C.1/L.88

Venezuela: amendment to article 13

[Original: Spanish]
[12 March 1963]

Add the following words at the end of the article: “for a period not exceeding six months”.

DOCUMENT A/CONF.25/C.1/L.89

Venezuela: amendment to article 17

[Original: Spanish]
[12 March 1963]

Delete article 17.

DOCUMENT A/CONF.25/C.1/L.90**Chile : amendment to article 23**

[Original : Spanish]
[12 March 1963]

In the sub-title and throughout the article, replace the word "unacceptable" by the words "non grata".

DOCUMENT A/CONF.25/C.1/L.91**Argentina : amendment to article 11**

[Original : Spanish]
[12 March 1963]

Add the following text as new paragraph 2 :

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

DOCUMENT A/CONF.25/C.1/L.92**Argentina : amendment to article 20**

[Original : Spanish]
[12 March 1963]

Replace the words "within reasonable and normal limits" by the words "within limits which it considers to be reasonable and normal".

DOCUMENT A/CONF.25/C.1/L.93**Switzerland : amendment to article 9**

[Original : French]
[12 March 1963]

Replace paragraph 1 by the following text :

- "1. Heads of consular posts are divided into three classes :
- "(1) Consuls-general ;
 - "(2) Consuls ;
 - "(3) Vice-consuls."

DOCUMENT A/CONF.25/C.1/L.94**Hungary and Ukrainian Soviet Socialist Republic : amendment to article 14**

[Original : English]
[13 March 1963]

After the word "admitted" insert the words ", even if provisionally,".

DOCUMENT A/CONF.25/C.1/L.95**Hungary and Ukrainian Soviet Socialist Republic : amendment to article 15**

[Original : English]
[13 March 1963]

In the last sentence of paragraph 1, replace the phrase beginning with the words "from among ..." by

the words "from among the members of the consulate who are entrusted with administrative and technical tasks".

DOCUMENT A/CONF.25/C.1/L.96**Hungary and Poland : amendment to article 19**

[Original : English]
[13 March 1963]

Delete paragraph 2.

DOCUMENT A/CONF.25/C.1/L.97**Hungary : amendment to article 21**

[Original : English]
[13 March 1963]

Insert after the words "The order of precedence as between the officials of a consulate" the words "and any changes thereof".

DOCUMENT A/CONF.25/C.1/L.98**Hungary : amendment to article 23**

[Original : English]
[13 March 1963]

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".

DOCUMENT A/CONF.25/C.1/L.99**Hungary : amendments to article 27**

[Original : English]
[13 March 1963]

1. Amend paragraph 2 to read :

"2. In the event also of the temporary or permanent closure of a consulate the provisions of paragraph 1 (a) shall apply ; in this event the provisions of paragraphs 1 (b) and (c) shall equally apply if the sending State has no diplomatic mission and no other consulate in the receiving State."

2. In paragraph 3, insert after the words "custody of the" the words "consular premises together with the property and the".

DOCUMENT A/CONF.25/C.1/L.100**India and Yugoslavia : amendment to article 5**

[Original : English]
[13 March 1963]

Add a new sub-paragraph (m) as follows :

"(m) Performing, apart from those provided for in sub-paragraphs (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 and 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."

DOCUMENT A/CONF.25/C.1/L.101**India : amendment to article 11***[Original : English]
[13 March 1963]*

Add a new paragraph reading as follows :

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

DOCUMENT A/CONF.25/C.1/L.102/Rev.1**Switzerland : proposal for new article
between articles 67 and 68***[Original : French]
[21 March 1963]*

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.

DOCUMENT A/CONF.25/C.1/L.103**Nigeria : amendment to article 13***[Original : English]
[13 March 1963]*

Delete article 13.

DOCUMENT A/CONF.25/C.1/L.104**Nigeria : amendment to article 20***[Original : English]
[13 March 1963]*

Add a new paragraph reading as follows :

"The receiving State shall determine what are reasonable and normal limits in the absence of an express agreement."

DOCUMENT A/CONF.25/C.1/L.105**Nigeria : amendment to article 21***[Original : English]
[13 March 1963]*

Replace article 21 by the following text :

"The order of precedence as between the consular officials 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."

DOCUMENT A/CONF.25/C.1/L.106**Congo (Leopoldville), Ethiopia, Guinea, Liberia, Libya,
Mali, Morocco, Sierra Leone, Tunisia, Upper Volta :
proposed preamble to the convention***[Original : French]
[14 March 1963]*

.....

"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,

"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 :"

DOCUMENT A/CONF.25/C.1/L.107**India : amendment to article 14***[Original : English]
[14 March 1963]*

Replace article 14 by the following text :

"As soon as the head of a consular post is admitted to the exercise of his functions, the receiving State shall ensure that necessary measures are taken without undue delay to enable him to carry out the duties of his office and to have the benefit of the provisions of the present articles."

DOCUMENT A/CONF.25/C.1/L.108**Canada : amendment to article 15***[Original : English]
[14 March 1963]*

In paragraph 1, delete the words "as a general rule" and amend the last sentence to read as follows :

"In the exceptional cases where no such officials are available to assume this position, a consular employee may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the consular post."

DOCUMENT A/CONF.25/C.1/L.109**Canada : amendment to article 17**[Original : English]
[14 March 1963]

Amend paragraph 1 to read :

"1. In a State where the sending State has no diplomatic mission, a consular official may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts."

DOCUMENT A/CONF.25/C.1/L.110**India : amendment to article 17**[Original : English]
[14 March 1963]

Substitute the following text for paragraph 1 :

"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 express consent of the receiving State, 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."

DOCUMENT A/CONF.25/C.1/L.111**India : amendment to article 20**[Original : English]
[14 March 1963]

Replace the words "reasonable and normal limits" by the words "limits considered by it to be reasonable and normal".

DOCUMENT A/CONF.25/C.1/L.112**China : amendment to article 22**[Original : English]
[14 March 1963]

In paragraph 2, add the word "prior" before the words "consent of that State".

DOCUMENT A/CONF.25/C.1/L.113**China : amendment to article 27**[Original : English]
[14 March 1963]

Amend the introductory sentence of paragraph 1 to read :

"In the event of severance of consular relations where the sending State has not a diplomatic mission in the receiving State, or in the event of severance of consular relations as well as diplomatic relations between two States :".

DOCUMENT A/CONF.25/C.1/L.114**Spain : amendments to article 23**[Original : Spanish]
[14 March 1963]

1. In the Spanish text of the title of the article replace the word "*retiro*" by the word "*retirada*".

2. In the title of the article replace the expression "Persons deemed unacceptable" by the expression "*Persona non grata*"; in paragraph 1 replace the phrase "no longer acceptable" by the expression "*persona non grata*"; and in paragraph 3 replace the word "unacceptable" by the expression "*persona non grata*".

3. Add a new paragraph 4 reading as follows :

"4. The receiving State is not obliged to communicate the reasons for its decision not to grant the exequatur or for its decision to withdraw the exequatur."

DOCUMENT A/CONF.25/C.1/L.115**Italy : amendments to article 15**[Original : French]
[14 March 1963]

1. In the last sentence of paragraph 1, delete the word "exceptional".

2. Amend paragraph 2 to read :

"The name of the acting head of post shall be notified by the head of post to the authority of the receiving State which is competent for this purpose. If the head of post should be unable to communicate this notice, it shall be communicated to the Ministry of Foreign Affairs through the diplomatic mission or Ministry of Foreign Affairs of the sending State. As a general rule this notice shall be communicated in advance."

DOCUMENT A/CONF.25/C.1/L.116**Italy : amendments to article 16**[Original : French]
[14 March 1963]

1. In paragraph 3, replace the word "presented" by the word "communicated".

2. In paragraph 4, replace the passage beginning "as between themselves" to the end by the following : "as between themselves, they rank according to the notification referred to in article 15, paragraph 2."

DOCUMENT A/CONF.25/C.1/L.117**Italy : amendment to article 17**[Original : French]
[14 March 1963]

In paragraph 2, after the word "may" insert the words " , after notification addressed to the receiving State,".

DOCUMENT A/CONF.25/C.1/L.118**Italy : amendment to article 18***[Original : French]*
[14 March 1963]

Delete the words "unless this State objects" and add the words "with the consent of the receiving State" after the word "may".

DOCUMENT A/CONF.25/C.1/L.119**Italy : amendment to article 19***[Original : French]*
[14 March 1963]

Add the following new paragraph 3 :

"3. The receiving State may, if such is required by its law, stipulate that 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 shall be admitted to the exercise of his functions by the exequatur."

DOCUMENT A/CONF.25/C.1/L.120**Italy : amendment to article 21***[Original : French]*
[14 March 1963]

Delete the words "by the head of post".

DOCUMENT A/CONF.25/C.1/L.121**Italy : amendment to article 68***[Original : French]*
[14 March 1963]

In paragraph 3, replace the words "only if the local law and usages so permit" by the words "which are competent under the law of that State".

DOCUMENT A/CONF.25/C.1/L.122**South Africa : amendment to article 14***[Original : English]*
[15 March 1963]

Replace the words "As soon as" by the word "When" and the word "immediately" by the words "as soon as possible".

DOCUMENT A/CONF.25/C.1/L.123**South Africa : amendment to article 15***[Original : English]*
[15 March 1963]

Amend the first sentence of paragraph 2 to read :

"The name of the acting head of post shall be notified by the diplomatic mission of the sending

State or, in the absence of such mission, by the head of the consular post or, if he is unable to do so, by any competent authority of the sending State, to the Ministry of Foreign Affairs of the receiving State, or to the authority designated by it."

DOCUMENT A/CONF.25/C.1/L.124**Argentina, Australia, Belgium, Colombia, Denmark, Iran, Nigeria, Sweden and United Kingdom : proposal to add a new article between articles 5 and 6***[Original : English/French]*
[15 March 1963]

Add the following new article between articles 5 and 6 of the draft articles :

"Nothing in this convention shall be so construed as to oblige the receiving State to recognize a consular officer of the sending State as entitled to act on behalf of, or otherwise concern himself with, a national of the sending State who is a refugee for reasons of race, nationality, political opinion or religion or who is seeking asylum in the receiving State for any of those reasons."

DOCUMENT A/CONF.25/C.1/L.124/Rev.1**Argentina, Australia, Belgium, Colombia, Denmark, Iran, Nigeria, Sweden and United Kingdom : revised proposal for a new article between articles 5 and 6***[Original : English/French]*
[21 March 1963]

Add the following new article between articles 5 and 6 of the draft articles :

"Nothing in this Convention shall be so construed as to oblige the receiving State to recognize a consular officer of the sending State as entitled to act on behalf of, or otherwise concern himself with, a national of the sending State who is a refugee for reasons of race, nationality, political opinion or religion or who is seeking asylum in the receiving State for any of those reasons. However, nothing in this article shall prevent any such national of the sending State from requesting assistance from a consular officer of the sending State or prevent such a consular officer from complying with such a request."

DOCUMENT A/CONF.25/C.1/L.125**United Kingdom : amendment to article 17***[Original : English]*
[15 March 1963]

Amend paragraph 2 to read :

"A head of a consular post or other consular official may 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 normally accorded 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."

DOCUMENT A/CONF.25/C.1/L.126

United Kingdom : amendment to article 18

[Original : English]
[15 March 1963]

Replace the words "head of a consular post" by the words "a consular officer".

DOCUMENT A/CONF.25/C.1/L.127

South Africa : amendments to article 16

[Original : English]
[15 March 1963]

1. In paragraph 3, delete the words "the exequatur or provisional" and, after the word "admission", add the words "to the exercise of their functions".

2. Amend paragraph 4 to read as follows :

"Acting heads of post rank after all heads of post in the class to which they themselves belong, 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."

3. In paragraph 5, immediately after the words "career heads of post" insert the words "and career acting heads of post".

4. In paragraph 6, immediately after the words "Heads of post" insert the words "and acting heads of post".

DOCUMENT A/CONF.25/C.1/L.128

South Africa : amendment to article 17

[Original : English]
[15 March 1963]

In paragraph 1, after the words "the head of a consular post" insert the words "of the sending State".

DOCUMENT A/CONF.25/C.1/L.129

South Africa : amendment to article 21

[Original : English]
[15 March 1963]

Delete article 21.

DOCUMENT A/CONF.25/C.1/L.130

**Federal Republic of Germany :
amendments to article 19**

[Original : English]
[18 March 1963]

1. Insert after the first paragraph a new paragraph worded as follows :

"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."

2. Re-number original paragraph 2 as paragraph 3.

DOCUMENT A/CONF.25/C.1/L.131

Spain : amendment to article 19

[Original : Spanish]
[18 March 1963]

Add at the end of paragraph 1 the words "but the receiving State shall have the right to demand that such appointments be submitted to its prior approval".

DOCUMENT A/CONF.25/C.1/L.132 and Corr.1

Spain : amendment to article 24

[Original : Spanish]
[18 March 1963]

In paragraph 1 (b), replace the words "member of the consulate" by the words "consular staff".

DOCUMENT A/CONF.25/C.1/L.133

Congo (Leopoldville) : amendment to article 16

[Original : French]
[18 March 1963]

Add a new paragraph reading as follows :

"7. This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See."

DOCUMENT A/CONF.25/C.1/L.134

Mexico : amendment to article 23

[Original : Spanish]
[18 March 1963]

Amend paragraph 1 to read :

"1. The receiving State may at any time, and without being obliged to state the grounds for its decision, notify the sending State that the head of a consular post or a member of the consular staff is no longer acceptable. The sending State shall then either recall the person concerned or terminate his functions with the consulate, as may be appropriate."

DOCUMENT A/CONF.25/C.1/L.135

Turkey : amendment to article 20

[Original : French]
[18 March 1963]

After the words "reasonable and normal limits", insert the words "for the performance of consular functions", and delete the words "and to the needs of the particular consulate".

DOCUMENT A/CONF.25/C.1/L.136**Canada : amendment to article 71***[Original : English]*
[18 March 1963]

Amend article 71 to read :

“The provisions of the present articles shall not affect conventions, arrangements or other international agreements in force or concluded in the future as between States parties to them.”

DOCUMENT A/CONF.25/C.1/L.137**South Africa : amendments to article 22***[Original : English]*
[18 March 1963]

1. Delete paragraph 1.
2. Amend paragraph 3 to read :

“The receiving State may reserve the same right as in paragraph 2 with regard to nationals of a third State who are not also nationals of the sending State, and to persons permanently resident in its territory irrespective of what their nationality is.”

DOCUMENT A/CONF.25/C.1/L.138**South Africa : amendments to article 24***[Original : English]*
[18 March 1963]

1. In paragraph 1 (a), immediately before the words “as well as” insert the words “any change in designation.”
2. In paragraph 1 (d), delete the words “entitled to privileges and immunities”.

DOCUMENT A/CONF.25/C.1/L.139**South Africa : amendment to article 25***[Original : English]*
[18 March 1963]

Delete article 25.

DOCUMENTS A/CONF.25/C.1/L.140 and Add.1**South Africa : amendments to article 68***[Original : English]*
[18 and 21 March 1963]

1. Delete paragraph 2.
2. In paragraph 3, delete the word “only”.
3. In paragraph 4, add the following proviso :

“provided that no claim to immunity greater than that of a consular official or employee, as the case may be, under the present convention, shall be made on his behalf in respect of the performance by him in his consular capacity of any of the functions recognized under this convention.”

DOCUMENT A/CONF.25/C.1/L.141**Portugal : amendment to article 27***[Original : French]*
[18 March 1963]

Replace paragraphs 2 and 3 by the following text :

“2. In the event of the temporary or permanent closure of a consulate :

“(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 archives of the consulate which has been closed and, with the consent of the receiving State, with the exercise of consular functions in the district of that consulate ;

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

DOCUMENT A/CONF.25/C.1/L.142**United Kingdom : amendments to article 27***[Original : English]*
[19 March 1963]

1. In paragraph 2, insert the words “the same territory of” before the words “the receiving State” at the end of the paragraph.
2. In paragraph 3, insert the word “same” before the words “territory of that State”.

DOCUMENT A/CONF.25/C.1/L.144**Indonesia : amendment to article 24***[Original : English]*
[19 March 1963]

In paragraph 1 (d), replace the words “members of the consulate” by the words “consular employees”.

DOCUMENT A/CONF.25/C.1/L.145**Indonesia : amendment to article 26***[Original : English]*
[19 March 1963]

Amend the first sentence to read :

“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.”

DOCUMENT A/CONF.25/C.1/L.146**Congo (Leopoldville) : amendment to article 23***[Original : French]*
[19 March 1963]

At the end of paragraph 2 add the following sentence :

"Nevertheless, before exercising this right the receiving State must satisfy itself that the notice declaring the person concerned unacceptable has in fact been received by the sending State."

DOCUMENT A/CONF.25/C.1/L.147

India : amendment to article 23

[Original : English]
[19 March 1963]

Add the following new paragraph :

"The receiving State is not obliged to give reasons to the sending State for withdrawal of the exequatur or other authorization."

DOCUMENT A/CONF.25/C.1/L.148

India : amendment to article 24

[Original : English]
[19 March 1963]

Amend paragraph 1 (a) to read :

"(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 that may occur at any time in the course of services with the consulate."

DOCUMENT A/CONF.25/C.1/L.149

Austria and Switzerland : amendments to article 23

[Original : English]
[19 March 1963]

1. Amend the first sentence of paragraph 1 to read :

"The receiving State may at any time notify the sending State that the head of a consular post or any other member of the consular staff is no longer acceptable."

2. Add a new paragraph 4 as follows :

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

DOCUMENT A/CONF.25/C.1/L.150

Argentina : amendment to article 23

[Original : Spanish]
[19 March 1963]

In the first sentence of paragraph 1, after the words "the sending State" add the words ", without having to explain the reasons for its decision,".

DOCUMENT A/CONF.25/C.1/L.151

Czechoslovakia : amendment to article 26

[Original : English]
[19 March 1963]

Add the following words at the end of the first sentence : "and grant them the necessary time for the preparation of their departure and the transport of their property."

DOCUMENT A/CONF.25/C.1/L.152

Australia : amendment to article 27

[Original : English]
[19 March 1963]

In paragraph 2, delete the words "if the sending State has no diplomatic mission and no other consulate in the receiving State".

DOCUMENT A/CONF.25/C.1/L.153

United Kingdom : amendments to article 68

[Original : English]
[21 March 1963]

1. Amend paragraph 1 to read :

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

2. Amend paragraph 3 to read :

"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 agreements."

3. Amend paragraph 4 to read as follows :

"A member of a diplomatic mission to whom paragraph 2 of this article applies shall continue to enjoy all those privileges and immunities which he derives from his diplomatic status, but, in respect of the performance by him in his consular capacity of a consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer or employee, as the case may be, is entitled under this convention."

DOCUMENT A/CONF.25/C.1/L.154

**Austria, Canada and Netherlands :
amendment to article 71**

[Original : English]
[21 March 1963]

Amend article 71 to read :

"The provisions of this convention shall not affect existing or future conventions or other international agreements between States parties to them."

DOCUMENT A/CONF.25/C.1/L.155

India : amendment to article 71

[Original : English]
[21 March 1963]

Substitute the following text for article 71.

"1. Nothing in the present convention precludes States from concluding bilateral agreements or conventions confirming or supplementing or extending

or amplifying the provisions thereof or affect the continuance in force of such conventions.

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

DOCUMENT A/CONF.25/C.1/L.156

Greece: amendment to the new article proposed by Argentina, Australia, Belgium, Colombia, Denmark, Iran, Nigeria, Sweden and the United Kingdom (A/CONF.25/C.1/L.124)

[Original: French]
[22 March 1963]

Add the following sentence at the end of the proposed new article:

"The Office of the United Nations High Commissioner for Refugees can, if necessary, act as intermediary in order to give effect to such a request."

DOCUMENT A/CONF.25/C.1/L.157

Amendments to article 27 submitted by the Working Group appointed by the First Committee¹

[Original: English]
[21 March 1963]

1. Amend the introductory sentence of paragraph 1 to read:

"In the event of severance of consular relations where the sending State has not a diplomatic mission in the receiving State, or in the event of severance of consular relations as well as diplomatic relations between two States:"

2. Replace paragraphs 2 and 3 by the following provisions:

"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 it contains 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 paragraphs 1 (b) and (c) of this article shall be applicable."

¹ See the summary records of the 24th and 26th meetings of the First Committee.

DOCUMENT A/CONF.25/C.1/L.158

Union of Soviet Socialist Republics: amendment to the final articles proposed by the United States of America (A/CONF.25/C.1/L.7)

[Original: Russian]
[22 March 1963]

1. In the first proposed article, delete the words:

"Members of the United Nations or of any of the specialized agencies or Parties to the Status 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".

2. In the third proposed article, delete the words: "Belonging to any of the four categories mentioned in article ...".

3. In the fifth proposed article, delete the words: "Belonging to any of the four categories mentioned in article ...".

4. In the first paragraph of the sixth proposed article, delete the words: "Belonging to any of the four categories mentioned in article ...".

DOCUMENT A/CONF.25/C.1/L.159

United Arab Republic and Yugoslavia: amendment to the final articles proposed by the United States of America (A/CONF.25/C.1/L.7)

[Original: French]
[22 March 1963]

In the first proposed article, after the words "International Court of Justice" insert the words "or by States whose conventions on consular relations have been registered with the Secretariat of the United Nations,".

DOCUMENT A/CONF.25/C.1/L.160

Brazil, Ceylon, Federation of Malaya, Union of Soviet Socialist Republics, United Kingdom and Upper Volta: draft resolution

[Original: English/Russian]
[23 March 1963]

The United Nations Conference on Consular Relations,

Taking note of the memorandum submitted by the United Nations High Commissioner for Refugees,² 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.

² Document A/CONF.25/L.6.

DOCUMENT A/CONF.25/C.1/L.161

Switzerland : proposed new article (subsidiary to the article proposed by the United States of America (A/CONF.25/C.1/L.70))

[Original : French]
[25 March 1963]

1. Any dispute between contracting parties concerning the interpretation or application of this convention which cannot be settled by negotiation shall be submitted to arbitration at the request of one of the parties. If within the six months which follow the date of the request for arbitration the parties do not succeed in agreeing on the organization of the arbitration, any one of them may submit the dispute to the International Court of Justice by making an application in conformity with the Statute of the Court.

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.

DOCUMENT A/CONF.25/C.1/L.162

Belgium : optional protocol concerning the settlement of disputes

[Original : French]
[26 March 1963]

Proposal for the drafting of an optional protocol on the settlement of disputes based on the Protocol on that subject attached to the 1961 Vienna Convention on Diplomatic Relations.

DOCUMENT A/CONF.25/C.1/L.163

Ghana and India : optional protocol concerning the compulsory settlement of disputes

[Original : English]
[26 March 1963]

Proposal that the Conference should adopt an optional protocol concerning the compulsory settlement of disputes on the model of the Optional Protocol concerning the Compulsory Settlement of Disputes attached to the Vienna Convention on Diplomatic Relations, 1961.

DOCUMENT A/CONF.25/C.1/L.164

Belgium, Portugal and Spain : optional protocol concerning acquisition of nationality

[Original : Spanish]
[27 March 1963]

Proposal for the drafting of an optional protocol on the acquisition of nationality similar to the Protocol on that subject attached to the 1961 Vienna Convention on Diplomatic Relations.

DOCUMENT A/CONF.25/C.1/L.165

South Africa : amendment to article 53³

[Original : English]
[28 March 1963]

Amend the last sentence of paragraph 3 to read as follows :

“ 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 consular 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.”

DOCUMENT A/CONF.25/C.1/L.166 and Corr.1

Text of article 1 recommended by the Drafting Committee to the First Committee

[Original : English]
[2 April 1963]

*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 ;

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

(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 ;

(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

³ Articles 52 to 55, originally referred to the Second Committee, were re-allocated to the First Committee by a decision of the plenary Conference. Further amendments to these articles will be found in the list of “ Proposals and amendments submitted in the Second Committee ”.

of ownership, used for the purposes of the consular post ;⁴

(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.

B. PROPOSALS AND AMENDMENTS SUBMITTED IN THE SECOND COMMITTEE

DOCUMENT A/CONF.25/C.2/L.1

United States of America : amendments to article 29

[Original : English]
[5 March 1963]

1. Amend paragraph 1 to read as follows :

"The sending State shall have the right, in the territory of the receiving State, to acquire by purchase or otherwise the premises necessary for its consulate, under such forms of property tenure as exist in the receiving State. The treatment accorded to the sending State in this respect shall be no less favourable than that accorded to nationals of the receiving State under its laws."

2. In paragraph 2, replace the words "It shall also" by the words "The receiving State shall".

DOCUMENT A/CONF.25/C.2/L.2

United States of America : amendments to article 30

[Original : English]
[5 March 1963]

1. Amend paragraph 1 to read :

"Premises used exclusively for the exercise of consular functions shall be inviolable. The agents of the receiving State may not enter them save with the consent of the head of post or his designee, except in case of fire or other disaster requiring prompt protective action."

2. Amend paragraph 3 to read :

"Consular premises which are inviolable under this article, and furnishings and property thereon

⁴ With regard to the following amendments to this subparagraph, the Drafting Committee felt that the decision should be taken by the First Committee :

(1) Amendment submitted to the Drafting Committee by Brazil and India :

"Insert the word 'exclusively' between the words 'used' and 'for the purpose of the consular post'."

(2) Amendments submitted to the Drafting Committee by the Federal Republic of Germany, Japan and Nigeria :

"At the end of sub-paragraph (j) add the following words 'including the residence of the head of consular post'."

DOCUMENT A/CONF.25/C.1/L.167

Netherlands : amendment to the text of article 1 recommended by the Drafting Committee (A/CONF.25/C.1/L.166)

[Original : English]
[4 April 1963]

Add the following words at the end of paragraph 1 (f) :

"or of a member of a consular post, who is an employee of the sending State ;".

belonging to the sending State, shall be immune from any search, or attachment."

DOCUMENT A/CONF.25/C.2/L.3

United States of America : amendments to article 36

[Original : English]
[5 March 1963]

Amend paragraph 1 (b) as follows :

1. After the words "The competent authorities shall," add the words "at the request of a national of the sending State,".

2. Replace the words "a national of that State" by the words "such national".

3. Add the following sentence after the first sentence :

"If a person in prison, custody, or detention appears to be incapable, by reason of physical or mental incapacity, of communicating with the consular officials of the sending State, the authorities of the receiving State shall so notify the competent consulate."

DOCUMENT A/CONF.25/C.2/L.4

United States of America : amendment to article 37

[Original : English]
[5 March 1963]

Delete paragraphs (a) and (b).

DOCUMENT A/CONF.25/C.2/L.5

United States of America : amendment to article 40

[Original : English]
[5 March 1963]

Amend article 40 to read :

"The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity."