

# **United Nations Conference on Consular Relations**

Vienna, Austria  
4 March – 22 April 1963

Documents:-  
**A/CONF.25/C.2/L.1 to L.230**

## **Proposals and amendments submitted in the Second 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*)

of ownership, used for the purposes of the consular post ;<sup>4</sup>

(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

<sup>4</sup> 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."

**DOCUMENT A/CONF.25/C.2/L.6****United States of America : amendment to article 44**[Original : English]  
[5 March 1963]

Delete the second sentence of paragraph 1.

**DOCUMENT A/CONF.25/C.2/L.7****United States of America : amendment to article 46**[Original : English]  
[5 March 1963]

Amend paragraph 2 to read :

“Members of the consulate and their private staff shall, with respect to employment in the consulate and with respect to employment in the private staff, be exempt from any obligations in regard to work permits imposed either on employers or on employees by the laws and regulations of the receiving State concerning the employment of foreign labour.”

**DOCUMENT A/CONF.25/C.2/L.8****United States of America : amendment to article 52**[Original : English]  
[5 March 1963]

Delete article 52.

**DOCUMENT A/CONF.25/C.2/L.9****United States of America : amendment to article 53**[Original : English]  
[5 March 1963]

In paragraph 4, delete the words “, his personal inviolability and”.

**DOCUMENT A/CONF.25/C.2/L.10****United States of America : amendments to article 54**[Original : English]  
[5 March 1963]

1. Amend the last clause of the first sentence of paragraph 1 to read : “...the third State shall accord to him such immunities provided for by the other articles of this convention as may be required to ensure his transit or return.”

2. In the last clause of the first sentence of paragraph 3 insert, between the words “are” and “accorded”, the words “required by this convention to be”.

**DOCUMENT A/CONF.25/C.2/L.11****United States of America : amendment to article 61**[Original : English]  
[5 March 1963]

Delete article 61.

**DOCUMENT A/CONF.25/C.2/L.12****United States of America : amendment to article 69**[Original : English]  
[5 March 1963]

Amend paragraphs 1 and 2 by adding in each paragraph the words “or permanently resident in” after the words “who are nationals of”.

**DOCUMENT A/CONF.25/C.2/L.13****Netherlands : amendments to article 30**[Original : English]  
[5 March 1963]

1. Amend paragraph 3 to read :

“The premises of the consulate, their furnishings and other property thereon shall be immune from any search, requisition, attachment or execution.”

2. Add the following new paragraph :

“The means of transport of the consulate shall be immune from any requisition.”

**DOCUMENT A/CONF.25/C.2/L.14****Netherlands : amendment to article 32**[Original : English]  
[5 March 1963]

Delete the words “and documents”.

**DOCUMENT A/CONF.25/C.2/L.15****Netherlands : amendment to article 35**[Original : English]  
[5 March 1963]

Insert the following new paragraph between paragraphs 5 and 6 :

“The sending State may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.”

**DOCUMENT A/CONF.25/C.2/L.16****Netherlands : amendment to article 41**[Original : English]  
[5 March 1963]

In paragraph 1, replace the word “may” by the word “shall”.

**DOCUMENT A/CONF.25/C.2/L.17****Netherlands : amendment to article 46**[Original : English]  
[5 March 1963]

Add after paragraph 2 a new paragraph reading as follows :

“ Paragraph 2 of this article shall not apply to the employment outside the consulate of persons belonging to the families of members of the consulate.”

**DOCUMENT A/CONF.25/C.2/L.18/Rev.1**

**Netherlands : amendment to article 48**

[Original : English]  
[5 March 1963]

Replace article 48 by the following text :

“ 1. Members of the consulate shall be exempt in the receiving State from all national, regional or municipal taxes or charges whatsoever, in respect of any official emoluments, salary, wages or allowances received by them as compensation for their services.

“ 2. Consular officials shall also be exempt in the receiving State from all national, regional or municipal taxes or charges whatsoever in respect of :

- “ (a) Income derived from sources outside the receiving State and already taxed or charged elsewhere ;
- “ (b) The use of their residence and of the movable property installed therein, held by them on behalf of the sending State for the purposes of the Consulate ;
- “ (c) The purchase, ownership or use of a motor vehicle.

**DOCUMENT A/CONF.25/C.2/L.19**

**Netherlands : amendment to article 52**

[Original : English]  
[5 March 1963]

Replace article 52 by the following text :

“ Members of the consulate and members of their families forming part of their households shall not solely by residence or birth within the territory of the receiving State acquire the nationality of the receiving State, without their consent.”

**DOCUMENT A/CONF.25/C.2/L.20**

**Netherlands : amendment to articles 58 and 60**

[Original : English]  
[5 March 1963]

Replace the word “ consul ” by the words “ consular official ”.

**DOCUMENT A/CONF.25/C.2/L.21**

**Netherlands : amendment to article 69**

[Original : English]  
[5 March 1963]

In paragraphs 1 and 2, between the words “ who are nationals of ” and “ the receiving State ”, insert the words “ or permanently resident in ”.

**DOCUMENT A/CONF.25/C.2/L.22**

**Switzerland : amendment to article 28**

[Original : French]  
[5 March 1963]

After the words “ shall have the right ” insert “, in accordance with the practices in force in the receiving State,”.

**DOCUMENT A/CONF.25/C.2/L.23**

**Spain : amendment to article 28**

[Original : Spanish]  
[5 March 1963]

Replace the words “ The consulate and its head shall have ” by the words “ The head of the consular office shall have ”.

**DOCUMENT A/CONF.25/C.2/L.24**

**Spain : amendment to article 30**

[Original : Spanish]  
[6 March 1963]

After the words “ consular premises ”, add the words “ including the residence of the head of the consular post ”.

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

**Belgium : amendment to article 36**

[Original : French]  
[6 March 1963]

Re-draft paragraph 1 (c) to read :

“ (c) Consular officials shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse with and write to him and to arrange for his legal representation. They shall also have the right ... ”.

**DOCUMENT A/CONF.25/C.2/L.26**

**Austria : amendment to article 30**

[Original : English]  
[6 March 1963]

Add the following words at the end of paragraph 1 : “ or the consent of the head of the respective diplomatic mission.”.

**DOCUMENT A/CONF.25/C.2/L.27**

**Nigeria : amendments to article 30**

[Original : English]  
[6 March 1963]

1. At the end of paragraph 1 add the following :

“ Where the consent of the head of post is refused, the premises may be entered pursuant to appropriate writ or process and with the consent of the Minister/ Secretary of State for Foreign Affairs. Also, the

consent of the head of post shall be assumed in the event of fire or other disaster or if the authorities of the receiving State have reasonable cause to believe that a crime of violence has been or is being or is about to be committed within the consular premises.”.

2. Replace paragraphs 2 and 3 by the following :

“2. A consulate shall not be used to afford asylum to fugitives from justice. If the surrender of a fugitive from justice should be refused on the lawful demand of the authorities of the receiving State, these authorities, subject to the provisions of paragraph 1 of this article, may, if necessary, enter the consular premises to apprehend the fugitive.

“3. Any entry into or search of the consulate pursuant to paragraphs 1 and 2 of this article shall be conducted with due regard to the inviolability of the consular archives, as provided for in article 32.”

3. Add two new paragraphs reading as follows :

“4. The receiving State is under a special duty to take all appropriate steps to protect the consular premises, subject to the provisions of the foregoing paragraphs, against any intrusion or damage and to prevent any disturbance of the peace of the consulate or impairment of its dignity.

“5. The consular premises, their furnishings, the property of the consulate and its means of transport shall be, subject to the provisions of the foregoing paragraphs, immune from any search, requisition, attachment or execution.”

**DOCUMENT A/CONF.25/C.2/L.28**

**Brazil : amendment to article 28**

[Original : English]  
[5 March 1963]

Delete the words “and its head” and “and on the means of transport of the head of post”.

**DOCUMENT A/CONF.25/C.2/L.29**

**United Kingdom : amendments to article 30**

[Original : English]  
[6 March 1963]

1. Amend paragraph 1 to read :

“Subject to the provisions of this article that part of the consular premises which is used exclusively for the purposes of the work of the consuls shall be inviolable and may not be entered by the agents of the receiving State without the consent of the head of post. In the absence of such consent it may only be entered by the agents of the receiving State on the authority of the Minister for Foreign Affairs of the receiving State or such other Minister as may be agreed, or in case of fire or other disaster, or if there is reasonable cause to believe that a crime of violence to person or property is being or is about to be or has been committed there.”

2. Add two new paragraphs reading as follows :

“4. Nothing in this article shall prevent an entry into the consular premises by any person entitled to enter by virtue of any contract or other private right.

“5. Consular premises shall not be used to afford asylum to fugitives from justice.”

**DOCUMENT A/CONF.25/C.2/L.30**

**United Kingdom : amendment to article 31**

[Original : English]  
[6 March 1963]

In paragraph 1, replace the words “the head of post” by the words “any person in whose name property is owned or leased for consular purposes on behalf of the sending State”.

**DOCUMENT A/CONF.25/C.2/L.31**

**South Africa : amendment to article 31**

[Original : English]  
[6 March 1963]

In paragraph 1, delete the words “whether owned or leased,” and add the following words at the end of the paragraph : “provided the premises are owned by, or leased on behalf of, the Government of the sending State.”

**DOCUMENT A/CONF.25/C.2/L.32**

**Belgium : amendment to article 31**

[Original : French]  
[6 March 1963]

Amend the opening words of paragraph 1 to read : “The sending State and any individual or body corporate acting on behalf of the sending State shall be exempt ...”.

**DOCUMENT A/CONF.25/C.2/L.33/Rev.1**

**United States of America : amendment to article 31**

[Original : English]  
[11 March 1963]

Amend paragraph 1 to read :

“Consular premises used exclusively for consular purposes and situated in the territory of the receiving State, of which the sending State or the head of post acting for the sending State is the legal or equitable owner or lessee, shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.”

**DOCUMENT A/CONF.25/C.2/L.34**

**Hungary : amendment to the title of chapter II**

[Original : English]  
[6 March 1963]

Insert after the words “immunities of” the word “consulates.”.

**DOCUMENT A/CONF.25/C.2/L.35****Italy : amendment to article 28***[Original : French]*  
[5 March 1963]

Add at the end of the article the following sentence :  
“ In flying the national flag the customary practices of the receiving State shall be observed ”.

**DOCUMENT A/CONF.25/C.2/L.36****Nigeria : amendment to article 28***[Original : English]*  
[5 March 1963]

Add the following sentence :

“ On suitable occasions these flags may also be flown at the head of post's residence.”.

**DOCUMENT A/CONF.25/C.2/L.37****Italy : amendment to article 31***[Original : French]*  
[6 March 1963]

In paragraph 1, insert after the words “ the head of post ” the phrase “ acting on its behalf ”.

**DOCUMENT A/CONF.25/C.2/L.38****South Africa : amendment to article 32***[Original : English]*  
[6 March 1963]

Delete the words “ and documents ” and add the following words at the end :

“ provided they are clearly identifiable and are kept separate from other documents and property ”.

**DOCUMENT A/CONF.25/C.2/L.39****United Kingdom : amendment to article 32***[Original : English]*  
[6 March 1963]

Amend article 32 to read :

“ The consular archives shall be inviolable at all times and wherever they may be. They shall be kept separate from any document or object relating to the private affairs of a consular officer or employee.”

**DOCUMENT A/CONF.25/C.2/L.40****United Kingdom : amendment to article 28***[Original : English]*  
[6 March 1963]

Amend article 28 to read :

“ The national flag of the sending State may be flown and its coat of arms displayed on the building occupied by the consulate and at the entrance door thereof, and, subject to the laws and regulations of the receiving State, on the residence and means of transport of consular officers.”

**DOCUMENT A/CONF.25/C.2/L.41****Finland : amendment to article 44***[Original : English]*  
[6 March 1963]

Delete the last sentence of paragraph 1.

**DOCUMENT A/CONF.25/C.2/L.42****Switzerland : amendment to article 35***[Original : French]*  
[6 March 1963]

In the second sentence of paragraph 1, delete the words “ and the other consulates ” and “, wherever situated,”.

**DOCUMENT A/CONF.25/C.2/L.43****Mexico : amendment to article 30***[Original : Spanish]*  
[6 March 1963]

In paragraph 2, replace the words “ appropriate steps ” by the words “ steps within its power ”.

**DOCUMENT A/CONF.25/C.2/L.44****Mexico : amendment to article 32***[Original : Spanish]*  
[6 March 1963]

Delete the word “ consular ” and after the word “ documents ” add the words “ belonging to the consulate.”

**DOCUMENT A/CONF.25/C.2/L.45****Austria : amendment to article 32***[Original : English]*  
[6 March 1963]

Delete the words : “ and documents ”.

**DOCUMENT A/CONF.25/C.2/L.46****Japan : amendments to article 30***[Original : English]*  
[6 March 1963]

1. Replace paragraph 1 by the following text :

“ 1. The consular premises shall not be entered by the police or other authorities of the receiving State, except with the consent of the responsible consular official or, if such consent cannot be obtained, pursuant to appropriate writ or process and with the consent of the Minister for Foreign Affairs of the receiving State. The consent of the responsible consular official shall be presumed in the event of fire or other disaster or in the event that the authorities of the receiving State have reasonable cause to believe that a crime involving

violence to persons or property has been, or is being, or is about to be committed in the consular premises.”

2. Delete paragraph 2, and insert the following as an additional paragraph in article 40 :

“The receiving State shall afford special protection to consular premises.”

3. Delete paragraph 3.

4. Add the following new paragraph :

“The consular premises shall not be used to afford asylum to fugitives from justice. If a consular official refuses to surrender a fugitive from justice on the lawful demand of the authorities of the receiving State, such authorities may, in accordance with the procedure referred to in paragraph 1 of this article, enter the consular premises to apprehend the fugitive.”

**DOCUMENT A/CONF.25/C.2/L.47**

**Japan : amendment to article 32**

[Original : English]  
[6 March 1963]

Replace article 32 by the following text :

“1. The consular archives shall be kept in a place entirely separate from the place where the private papers of members of the consulate are kept. This provision does not require the separation of diplomatic from consular archives when a consular office forms part of the diplomatic mission.

“2. The consular archives shall at all times be inviolable, and the authorities of the receiving State may not, under any pretext, examine or detain them.”

**DOCUMENT A/CONF.25/C.2/L.48**

**Spain : amendment to article 28**

[Original : Spanish]  
[6 March 1963]

Amend article 28 to read :

“The national flag and coat of arms of the sending State may be placed on the building occupied by the consulate and, in accordance with the laws and regulations of the receiving State, on the residence and on the means of transport of the head of the consular office.”

**DOCUMENT A/CONF.25/C.2/L.49**

**Austria : amendments to article 37**

[Original : English]  
[7 March 1963]

1. Add the following words at the end of sub-paragraph (a) :

“and, as soon as possible, to transmit a certificate of death ;”.

2. Amend the first part of sub-paragraph (c) to read :

“(c) If a vessel used for maritime or inland navigation, being listed in the register of the sending State or being otherwise entitled to show the flag of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State...”.

**DOCUMENT A/CONF.25/C.2/L.50**

**Austria : amendment to article 44**

[Original : English]  
[7 March 1963]

At the beginning of the second sentence of paragraph 2, replace the words “In particular it shall” by the words “It may”.

**DOCUMENT A/CONF.25/C.2/L.51**

**Austria : amendment to article 56**

[Original : English]  
[7 March 1963]

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

“*Exclusion of private gainful occupation for career consular officials*”

“Consular officials and members of their families forming part of their households shall not in the receiving State practise, for personal profit, any professional or commercial activity.”

**DOCUMENT A/CONF.25/C.2/L.52**

**Austria : amendment to article 58**

[Original : English]  
[7 March 1963]

Add the following words at the end of the article :

“or the consent of the head of the respective diplomatic mission.”.

**DOCUMENT A/CONF.25/C.2/L.53**

**Austria : amendment to article 60**

[Original : English]  
[7 March 1963]

Delete the words “and documents”.

**DOCUMENT A/CONF.25/C.2/L.54**

**Austria : amendment to article 62**

[Original : English]  
[7 March 1963]

Delete the words “with the exception of those who carry on a gainful private occupation.”.

**DOCUMENT A/CONF.25/C.2/L.55****Japan : amendments to article 35**

[Original : English]  
[7 March 1963]

1. In paragraph 1, replace the words "including diplomatic or consular couriers" by the words "including diplomatic couriers".
2. Replace paragraph 5 by the following text :  
"5. Diplomatic couriers may be entrusted with the transmission of a consular bag."

**DOCUMENT A/CONF.25/C.2/L.56****Japan : amendment to article 36**

[Original : English]  
[7 March 1963]

In paragraph 1 (b), replace the first sentence by the following text :

"The competent authorities of the receiving State shall, at the request of a national of the sending State who is committed to prison or to custody pending trial or is detained in any other manner in the receiving State, inform the competent consulate of the sending State."

**DOCUMENT A/CONF.25/C.2/L.57****Japan : amendment to article 38**

[Original : English]  
[7 March 1963]

Replace article 38 by the following text :

"In the exercise of the functions specified in article 5, consular officials may address the local appropriate authorities of the receiving State. They may also address the central government of the receiving State with the consent of the latter."

**DOCUMENT A/CONF.25/C.2/L.58****Japan : amendments to article 40**

[Original : English]  
[7 March 1963]

1. Delete the second sentence of the article.
2. Add a new paragraph reading as follows :  
"The receiving State shall afford special protection to consular premises."

**DOCUMENT A/CONF.25/C.2/L.59****Greece : amendment to article 30**

[Original : French]  
[7 March 1963]

Amend article 30 to read :

"1. The agents of the receiving State shall not enter the consular premises except with the consent

of the head of post. Failing such consent, the police or other authorities of the receiving State shall not enter the consular premises, except under a warrant or a decision of the court and with the authorization of the Minister for Foreign Affairs of the receiving State. The consent of the head of post may, however, be presumed in the case of fire or other disaster, or if the authorities of the receiving State have reasonable grounds for believing that an offence involving violence in respect of persons or property is about to be, is being, or has been committed on the consular premises. An explanation in writing stating the grounds for such action shall be provided immediately through the diplomatic channel.

"2. The receiving State shall take all appropriate steps to ensure the protection of the consular premises.

"3. The provisions of the present article shall not be construed as a recognition of the right of asylum.

"4. The consular premises, their furnishings, the property of the consulate and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation or occupation is necessary for such purposes, all necessary steps shall be taken to avoid impeding the performance of the consular functions, and a prompt, adequate and effective indemnity shall be paid to the sending State."

**DOCUMENT A/CONF.25/C.2/L.60****Belgium, Brazil, Czechoslovakia, India, Italy, Liechtenstein, Switzerland, Ukrainian Soviet Socialist Republic and United Kingdom : amendment to article 28**

[Original : English]  
[7 March 1963]

Amend article 28 to read :

"1. The sending State shall have the right to the use of its national flag and coat of arms in the receiving State as provided in this article.

"2. The national flag of the sending State may be flown and its coat of arms displayed on the building occupied by the consulate and at the entrance door thereof and on the residence and means of transport of the head of the consular post.

"3. The right accorded by this article shall be exercised in conformity with the law and usage of the receiving State."

**DOCUMENT A/CONF.25/C.2/L.61****Indonesia : amendment to article 41**

[Original : English]  
[7 March 1963]

In paragraph 1, after the word "judicial" insert the words "or other".



**DOCUMENT A/CONF.25/C.2/L.62/Rev.1****Federal Republic of Germany : amendment to article 41**

[Original : English]  
[7 March 1963]

Replace paragraph 1 by the following text :

" A consular officer may not be taken into custody without proper authorization of the competent judicial authority save in the case that :

" (a) He is detected in the course of committing an offence ;

" (b) He is suspect of having committed a grave crime ; or

" (c) He is suspect of having committed any other crime and not able to prove his identity.

" He must be released or turned over to the competent judicial authority at the latest during the day following his arrestation. The competent judicial authority can order the detention of the consular officer only in the case of a grave crime.

" For the purpose of this article an offence shall be considered to be a grave crime, if for its commission a maximum sentence of at least four years' imprisonment or a more severe punishment is imposed by the law of the receiving State."

**DOCUMENT A/CONF.25/C.2/L.63****Brazil : amendment to article 37**

[Original : English]  
[7 March 1963]

Add the following as sub-paragraph (d) :

" (d) Inform the competent consulate as soon as possible of the names of the nationals of the sending State who have acquired the nationality of the receiving State."

**DOCUMENT A/CONF.25/C.2/L.64****Brazil : amendment to article 41**

[Original : English]  
[7 March 1963]

Amend paragraph 1 to read :

" 1. Consular officials shall not be liable to arrest or detention pending trial, except in case of an offence punishable by a maximum penalty of not less than five years' imprisonment, and pursuant to a decision by the competent judicial authority."

**DOCUMENT A/CONF.25/C.2/L.65****Thailand : amendment to article 36**

[Original : English]  
[7 March 1963]

Delete paragraph 1 (a).

**DOCUMENT A/CONF.25/C.2/L.66****Thailand : amendment to article 37**

[Original : English]  
[7 March 1963]

Delete sub-paragraphs (a) and (b).

**DOCUMENT A/CONF.25/C.2/L.67****Thailand : amendment to article 48**

[Original : English]  
[7 March 1963]

Amend paragraph 2 to read :

" 2. Members of the service staff and members of the private staff who are not nationals of the receiving State nor locally recruited but are in the sole employ of members of the consulate shall be exempt from dues and taxes on the wages which they receive for their services."

**DOCUMENT A/CONF.25/C.2/L.68****Thailand : amendment to article 54**

[Original : English]  
[7 March 1963]

In paragraph 3, replace the word "correspondence" by the words "official correspondence".

**DOCUMENT A/CONF.25/C.2/L.69****Thailand : amendment to article 65**

[Original : English]  
[7 March 1963]

Replace the word "correspondence" by the words "official correspondence".

**DOCUMENT A/CONF.25/C.2/L.70****Byelorussian Soviet Socialist Republic :  
amendment to article 35**

[Original : Russian]  
[8 March 1963]

Insert a new paragraph between paragraphs 5 and 6, reading as follows :

" The sending State, its diplomatic mission and its consulate may appoint consular couriers *ad hoc*. In that case the provisions of paragraph 5 of this article shall also be applicable, provided always that the immunities therein mentioned shall cease to apply so soon as the courier has delivered the consular bag to its destination."

**DOCUMENT A/CONF.25/C.2/L.71**

**Greece, Japan, Nigeria and United Kingdom :  
amendment to article 30**

[Original : English]  
[8 March 1963]

Replace paragraph 1 by the following text :

“ 1. Consular premises shall be inviolable to the extent provided in this article.

“ 2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consulate except :

“(a) With the consent of the head of the consular post or of the head of the diplomatic mission of the sending State, or

“(b) Failing such consent, pursuant to an order of the appropriate judicial authority and with the authorization of the Minister for Foreign Affairs of the receiving State or such other Minister as may be agreed.

“ 3. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action or if the authorities of the receiving State have reasonable cause to believe that a crime of violence to person or property has been or is being or is about to be committed within the consular premises.

“ 4. If the consular premises are entered by the authorities of the receiving State without consent as provided in paragraph 2 (a) of this article, an explanation in writing stating the grounds for such action shall be furnished immediately by the receiving State to the sending State through the diplomatic channel.”

**DOCUMENT A/CONF.25/C.2/L.72**

**Australia : amendments to article 34**

[Original : English]  
[12 March 1963]

1. Replace the word “ensure” by the word “permit”.

2. Replace the words “in its territory” by the words “in their consular district”.

**DOCUMENT A/CONF.25/C.2/L.73**

**Federal Republic of Germany : amendment to article 35**

[Original : English]  
[8 March 1963]

Replace paragraph 3 by the following text :

“ 3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reasons to believe that the bag contains something other than the corre-

spondence, documents or articles referred to in paragraph 4, they may, with the authorization of the Ministry for Foreign Affairs of the receiving State, request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of that State they may take back the bag.”

**DOCUMENT A/CONF.25/C.2/L.74**

**Federal Republic of Germany :  
amendments to article 36**

[Original : English]  
[8 March 1963]

1. In paragraph 1 (b), between the words “without undue delay” and “inform”, add the words: “but at the latest within one month”.

2. In paragraph 1 (c), between the words “Consular officials” and “shall”, add the words “or persons acting on their behalf”.

**DOCUMENT A/CONF.25/C.2/L.75**

**South Africa : amendments to article 35**

[Original : English]  
[8 March 1963]

1. In paragraph 1, replace the words “free communication” by the words “freedom of communication”.

2. Amend paragraph 3 to read :

“ 3. The consular bag, like the diplomatic bag, shall not be opened or detained. The authorities of the receiving State may, however, require the opening of the consular bag if there is reasonable cause to believe that it is being used for an improper purpose. In such event, the bag shall be opened only in the presence of a representative of the consulate.”

3. In paragraph 4, insert the word “exclusively” after the word “intended”.

4. In paragraph 6, insert at the beginning of the last sentence the words: “By arrangement with the local airport authorities,”.

**DOCUMENT A/CONF.25/C.2/L.76**

**Federation of Malaya : amendment to article 37**

[Original : English]  
[8 March 1963]

Add the following proviso after sub-paragraph (c) :

“ Provided that the provisions of paragraphs (a) and (b) shall not apply where the deceased person, or the minor, or other person lacking full capacity mentioned in paragraphs (a) and (b) respectively, is under the laws and regulations of the receiving State, treated as an alien having a permanent residence.”

**DOCUMENT A/CONF.25/C.2/L.77****Ireland : amendment to article 37**

[Original : English]  
[8 March 1963]

Replace the introductory phrase by the following :

“ If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty : ”.

**DOCUMENT A/CONF.25/C.2/L.78****Switzerland : amendment to article 36**

[Original : French]  
[8 March 1963]

Insert a new paragraph 2 reading as follows (the present paragraph 2 to become paragraph 3) :

“ The application of the provisions of sub-paragraphs (b) and (c) above shall, however, be subject to the freely expressed wish of the national of the sending State who is in prison, custody or detention.”

**DOCUMENT A/CONF.25/C.2/L.79****Switzerland : amendment to article 37**

[Original : French]  
[8 March 1963]

Insert the following sentence at the end of sub-paragraph (b) :

“ This provision shall, however, be without prejudice to the legislative provisions of the receiving State regarding the execution of such measures.”

**DOCUMENT A/CONF.25/C.2/L.80****Japan : amendments to article 43**

[Original : English]  
[11 March 1963]

1. Add the following sentence at the end of the article :

“ However, a consular official or employee shall be subject, with respect to the exercise of consular functions referred to in paragraphs (g), (h) and (i) of article 5, to the jurisdiction of the judicial or administrative authorities of the receiving State.”

2. Add the following new paragraph :

“ All vehicles, vessels and aircraft owned by a consular official or employee shall be adequately insured against third party risks with an insurance company authorized to do, and actually carrying on, business in the receiving State.”

**DOCUMENT A/CONF.25/C.2/L.81****Japan : amendments to article 44**

[Original : English]  
[11 March 1963]

1. Delete the second sentence of paragraph 1.
2. Add the following sentence to paragraph 3 :

“ They are also entitled to decline to give evidence as an expert witness with regard to the laws of the sending State.”

**DOCUMENT A/CONF.25/C.2/L.82****Japan : amendment to article 45**

[Original : English]  
[11 March 1963]

Replace paragraph 2 by the following text :

“ 2. The waiver shall be communicated to the receiving State in writing through the diplomatic channel ”.

**DOCUMENT A/CONF.25/C.2/L.83****Japan : amendment to article 46**

[Original : English]  
[11 March 1963]

In paragraph 1, delete the words “ and their private staff ”.

**DOCUMENT A/CONF.25/C.2/L.84/Rev.1****Japan : amendments to article 48**

[Original : English]  
[19 March 1963]

1. In paragraph 1, delete the words “ and members of their families forming part of their households ” from the introductory phrase.

2. In paragraph 2, delete the words “ and members of the private staff who are in the sole employ of members of the consulate ”.

**DOCUMENT A/CONF.25/C.2/L.85****Japan : amendments to article 50**

[Original : English]  
[11 March 1963]

1. Delete the words “ or of a member of his family forming part of his household ” from the introductory phrase.

2. Delete the words “ or as a member of the family of a member of the consulate ” at the end of sub-paragraph (b).

**DOCUMENT A/CONF.25/C.2/L.86****Japan : amendment to article 52**

[Original : English]  
[11 March 1963]

Delete article 52.

**DOCUMENT A/CONF.25/C.2/L.87****Japan : amendment to article 53**

[Original : English]  
[11 March 1963]

In the first sentence of paragraph 2, delete the words “, and members of his private staff”.

**DOCUMENT A/CONF.25/C.2/L.88****Japan : amendments to article 54**

[Original : English]  
[11 March 1963]

1. Replace paragraphs 1 and 2 by the following text :

“ If consular officials and employees, or members forming part of their families, pass through a third State which has granted visas if visas were required while proceeding to take up or return to their post or when returning to their own country, the third State shall not hinder the transit through their territory.”

2. In paragraph 3, insert the word “ official ” between the words “ accord to ” and “ correspondence ” in the first sentence, and delete the second sentence.

**DOCUMENT A/CONF.25/C.2/L.89/Rev.1****Japan : proposal concerning articles 56 to 67**

[Original : English]  
[29 March 1963]

Replace articles 56 to 67 by the following new article :

“ 1. Members of the consulate who are :

“(a) Not in the full-time regular employment of the sending State ; or

“(b) Appointed by the sending State in an honorary capacity ; or

“(c) Engaged in any private occupation for gain in the receiving State

shall not be accorded privileges and immunities provided for in article 41, paragraphs 1 and 2, article 44, paragraphs 1 and 2, articles 46, 46A, 47, 48, 49, paragraphs 1 (b) and 2, articles 50, 51 and 54, paragraphs 1 and 2, except as provided in paragraph 2 of these articles and except so far as such privileges and immunities may be granted by the receiving State, or in the case of article 54 by the third State concerned.

“ 2. The persons to whom paragraph 1 of this article applies shall be exempt from all dues and taxes on the remuneration and emoluments which they receive from the sending State in respect of the exercise of consular functions.

“ 3. The premises of a consulate of which the head of the post is a person to whom paragraph 1 of this article applies shall not be entitled to the

benefits of the provisions of articles 30 and 31 except so far as the receiving State may so agree.

“ 4. Privileges and immunities provided for in articles 46A, 47, 48 and 51 shall not be accorded to :

“(a) Members of the family of any of the persons to whom paragraph 1 of this article applies, nor to the private staff of any such person ; or

“(b) Those members of the family of a member of the consulate who are engaged in private occupation for gain in the receiving State.”

**DOCUMENT A/CONF.25/C.2/L.90****Japan : amendments to article 69**

[Original : English]  
[11 March 1963]

1. In the first sentence of paragraph 1, add the words “, or permanently resident in,” between the words “ who are nationals of ” and “ the receiving State ”.

2. In the first sentence of paragraph 2, replace the words “ Other members of the consulate, members of their families and members of the private staff who are nationals of the receiving State ” by the words :

“ Consular employees who are nationals of, or permanently resident in, the receiving State and also members of the families of those consular officials and employees or those members of the family of a consular official or employee who are nationals of, or permanently resident in, the receiving State ”.

**DOCUMENT A/CONF.25/C.2/L.91****Spain : amendment to article 35**

[Original : Spanish]  
[11 March 1963]

Replace paragraph 3 by the following text :

“ 3. Nevertheless, in cases of grave and well-founded suspicion, the authorities of the receiving State may order the consular bag to be opened in the presence of a duly authorized consular official of the sending State with a view to determining that it contains only official correspondence and documents or articles intended for the official use of the consulate.”

**DOCUMENT A/CONF.25/C.2/L.92****Australia : amendment to article 35**

[Original : English]  
[12 March 1963]

Replace the last sentence of paragraph 5 by the following text :

“ He shall be afforded by the receiving State all facilities for the performance of his functions.”

**DOCUMENT A/CONF.25/C.2/L.93****Romania : amendment to article 37***[Original : French]*  
*[12 March 1963]*

In sub-paragraph (b), delete the words "a minor or other person lacking full capacity who is".

**DOCUMENT A/CONF.25/C.2/L.94****Poland : amendment to article 37***[Original : French]*  
*[12 March 1963]*

Replace the introductory phrase and sub-paragraph (a) of article 37 by the following text:

"The appropriate authorities of the receiving State shall have the duty:

"(a) In the case of the death of a national of the sending State, to inform without delay the consulate in whose district the death occurred;"

**DOCUMENT A/CONF.25/C.2/L.95****Greece : amendment to article 40***[Original : French]*  
*[12 March 1963]*

Delete the words "by reason of their official position".

**DOCUMENT A/CONF.25/C.2/L.96****Greece : amendment to article 43***[Original : French]*  
*[12 March 1963]*

Replace the word "authorities" by the word "courts".

**DOCUMENT A/CONF.25/C.2/L.97****Greece : amendment to article 46***[Original : French]*  
*[12 March 1963]*

In paragraph 1, delete the words "and their private staff". (The comma after the word "consulate" to be replaced by the word "and".)

**DOCUMENT A/CONF.25/C.2/L.98****Brazil : amendment to article 43***[Original : English]*  
*[12 March 1963]*

Amend article 43 to read:

"Members of the consulate shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of official functions."

**DOCUMENT A/CONF.25/C.2/L.99****Romania : amendment to article 34***[Original : French]*  
*[12 March 1963]*

Replace the word "ensure" by the word "grant".

**DOCUMENT A/CONF.25/C.2/L.100****Venezuela : amendment to article 36***[Original : Spanish]*  
*[12 March 1963]*

Amend paragraph 1 (a) to read:

"The competent consulate and the officials of that consulate shall be free to communicate with and, if necessary, to have access to the nationals of the sending State;"

**DOCUMENT A/CONF.25/C.2/L.101****Thailand : amendment to article 36***[Original : English]*  
*[12 March 1963]*

Delete paragraph 1 (b).

**DOCUMENT A/CONF.25/C.2/L.102****Italy : amendments to article 35***[Original : French]*  
*[13 March 1963]*

In paragraph 6:

1. After the words "entrusted to the captain" add the words "of a passenger vessel or".
2. Delete the words "but he shall not be considered to be a consular courier".

**DOCUMENT A/CONF.25/C.2/L.103****Byelorussian Soviet Socialist Republic :  
amendment to article 38***[Original : Russian]*  
*[13 March 1963]*

In paragraph 2, replace the words "municipal law and usage" by the words "municipal law and regulations and the usage".

**DOCUMENT A/CONF.25/C.2/L.104/Rev.1****Byelorussian Soviet Socialist Republic :  
amendment to article 41***[Original : Russian]*  
*[19 March 1963]*

In paragraph 1, replace the words "by the competent judicial authority" by the words "by the competent judicial authority or the Procurator's office".

**DOCUMENT A/CONF.25/C.2/L.105****Switzerland : amendment to article 41***[Original : French]**[13 March 1963]*

In paragraph 1, replace the words "in the case of a grave crime" by the words "in the case of a serious offence".

**DOCUMENT A/CONF.25/C.2/L.106****Byelorussian Soviet Socialist Republic :  
amendment to article 56***[Original : Russian]**[13 March 1963]*

Delete the word "private" and, after the word "occupation", insert the word "professionally".

**DOCUMENT A/CONF.25/C.2/L.107****United Kingdom : amendments to article 36***[Original : English]**[13 March 1963]*

1. In paragraph 1 (b), delete the word "undue" in the expression "without undue delay" in both places where it appears.

2. In paragraph 2, amend the phrase "subject to the proviso, however, that the said laws and regulations must not nullify these rights" to read "subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this article are intended".

**DOCUMENT A/CONF.25/C.2/L.108****Nigeria : amendments to article 35***[Original : English]**[13 March 1963]*

1. In paragraph 1, replace the last sentence by the following :

"However, the consulate may not install and use a wireless transmitter except with the consent of the receiving State".

2. Replace paragraph 3 by the following text :

"3. The consular bag shall not be opened or detained by the authorities of the receiving State save when they have serious reasons for so doing and, even then, they may only request that such sealed bags should be opened in their presence by an authorized representative of the sending State in order to satisfy themselves that they do not contain anything but official correspondence."

**DOCUMENT A/CONF.25/C.2/L.109****Netherlands : proposed new articles between articles 39  
and 40***[Original : English]**[14 March 1963]*

After article 39, insert two new articles reading as follows :

*Article*

"The consulate shall observe the obligations and provisions of the receiving State imposed upon employers concerning the levying of income taxes as far as wages and salaries are concerned which are paid by the consulate and which are not exempted from income tax in the receiving State."

*Article*

"The consulate shall observe the obligations and social security provisions of the receiving State imposed upon employers as far as employees are concerned who with respect to services rendered for the sending State are not exempt from social security provisions which may be in force in the receiving State."

**DOCUMENT A/CONF.25/C.2/L.110****Netherlands : amendment to article 48***[Original : English]**[14 March 1963]*

Add a new paragraph reading as follows :

"Members of the consulate who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the provisions of that State impose upon employers concerning the levying of income taxes."

**DOCUMENT A/CONF.25/C.2/L.111****Poland : amendment to article 38***[Original : French]**[14 March 1963]*

Replace article 38 by the following text :

"In the exercise of the functions specified in article 5, consular officials may address the competent local and central authorities of the receiving State. They may address the central authorities of the receiving State if this is permitted by the domestic law and usage of the receiving State or by international agreements regarding the matter."

**DOCUMENT A/CONF.25/C.2/L.112****Canada : amendments to article 69***[Original : English]**[14 March 1963]*

1. In paragraphs 1 and 2, insert the words "or permanent residents of" after the word "nationals".

2. Amend paragraph 2 to read as follows :

"2. Other members of the consulate who are nationals or permanent residents of the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided for in article 44, paragraph 3, of these articles. Members of the family forming part of the household of a consular official who are nationals of the receiving State, members of the family forming part of the household of a member of the consulate who is a national or permanent resident of the receiving State, members of the family forming part of the household of a member of the consulate other than a consular official who are nationals of or permanent residents of the receiving State, and members of the private staff who are nationals of or permanent residents of the receiving State shall enjoy privileges and immunities only insofar as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over these persons in such a way as not to hinder unduly the performance of the functions of the consulate."

**DOCUMENT A/CONF.25/C.2/L.113**

**India : amendments to article 37**

[Original : English]  
[14 March 1963]

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

"(a) As soon as their authorities obtain information about the death of a national of the sending State, to inform the consulate in whose district the death occurred."

2. Amend sub-paragraph (b) to read :

"(b) As soon as they obtain information about the existence of property or assets, forming part of the property belonging to the deceased person, to inform the consulate in whose district the property or assets are situated."

**DOCUMENT A/CONF.25/C.2/L.114**

**Spain : amendment to article 36**

[Original : Spanish]  
[14 March 1963]

Add the following provision at the end of paragraph 1 (c) :

"Nevertheless, consular officials shall refrain from taking action on behalf of the national who is in custody or detention if he expressly opposes such action."

**DOCUMENT A/CONF.25/C.2/L.115**

**Hungary : amendments to article 41**

[Original : English]  
[14 March 1963]

In paragraph 3 :

1. Insert after the first sentence the following sentence :

"Save where arrest pending trial is admissible under paragraph 1, no coercive measure may be applied against a consular official who refuses to appear before the court."

2. In the third sentence, delete the word "Nevertheless".

**DOCUMENT A/CONF.25/C.2/L.116**

**Yugoslavia : amendments to article 41**

[Original : English]  
[18 March 1963]

1. Add the following words at the end of paragraph 2 : "of at least two years of imprisonment".

2. Add a new paragraph 4 reading as follows :

"4. Subject to the provisions of paragraphs 1 to 3 of this article, the residence of a consular official shall be inviolable."

**DOCUMENT A/CONF.25/C.2/L.117**

**Italy : amendments to article 41**

[Original : French]  
[14 March 1963]

1. In paragraph 1, after the words "except in the case of a grave crime" insert the words "and in *flagrante delicto*".

2. At the end of paragraph 1, add the following sentence : "A crime shall be deemed to be a grave crime if the penalty for it is a term of imprisonment of at least five years."

**DOCUMENT A/CONF.25/C.2/L.118**

**Nigeria : amendment to article 44**

[Original : English]  
[14 March 1963]

Replace paragraph 2 by the following text :

"2. The authority requiring the evidence of a consular official shall avoid interference with the performance of his functions. In particular it shall take such testimony at his residence or at the consulate or accept a statement from him in writing save in exceptional cases in which his appearance in court is, in the opinion of the court, indispensable."

**DOCUMENT A/CONF.25/C.2/L.119**

**Poland : amendment to article 49**

[Original : French]  
[14 March 1963]

In paragraph 1, after the word "entry" insert the words "and export".

**DOCUMENT A/CONF.25/C.2/L.120****Nigeria : amendment to article 49***[Original : English]*  
*[14 March 1963]*

Replace the words "including articles intended for his establishment" in paragraph 1 (b) by the words "but only imported at the time of his first installation".

**DOCUMENT A/CONF.25/C.2/L.121****Canada : amendment to article 61***[Original : English]*  
*[14 March 1963]*

Amend article 61 to read :

"The receiving State is under a duty to accord to an honorary consular official such additional protection as he may require by reason of his official position".

**DOCUMENT A/CONF.25/C.2/L.122/Rev.1****Canada : amendments to article 57***[Original : English]*  
*[25 March 1963]*

1. Delete the following words in paragraph 1: "49, with the exception of paragraph 1 (b)" and insert the words "49, paragraph 2".

2. Add new article (perhaps after article 63) reading as follows :

*"Exemption from duties and taxes on imports*

"1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on articles exclusively for the official use of a consular post headed by an honorary consular official.

"2. The articles referred to in paragraph 1 are coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by the sending State to the consulate".

**DOCUMENT A/CONF.25/C.2/L.123/Rev.1<sup>5</sup>****Brazil, Canada, Ghana, Japan  
and United States of America : amendment to article 52***[Original : English]*  
*[27 March 1963]*

Delete article 52 and incorporate it in a separate optional protocol to the Convention.

<sup>5</sup> This joint amendment replaced an identical text submitted previously by Canada.

**DOCUMENT A/CONF.25/C.2/L.124****China : amendment to article 46***[Original : English]*  
*[14 March 1963]*

Add a new paragraph reading as follows :

"3. Members of the consulate, members of their families forming part of their households and their private staff shall be issued special cards of identification testifying their status as such."

**DOCUMENT A/CONF.25/C.2/L.125****Greece : amendment to article 36***[Original : English]*  
*[14 March 1963]*

In paragraph 1 (b), after the word "manner" insert the words "and shall state the reason why he is being deprived of his liberty."

**DOCUMENT A/CONF.25/C.2/L.126****Cambodia : amendment to article 41***[Original : French]*  
*[15 March 1963]*

In paragraph 1, after the words "Consular officials", insert the words "in the exercise of their functions".

**DOCUMENT A/CONF.25/C.2/L.127****Cambodia : amendment to article 46***[Original : French]*  
*[15 March 1963]*

In paragraph 1, after the words "their private staff", insert the words "who are nationals of the sending State".

**DOCUMENT A/CONF.25/C.2/L.128****Cambodia : amendment to article 53***[Original : French]*  
*[15 March 1963]*

In paragraph 2, after the words "and members of his private staff", insert the words "who are nationals of the sending State".

**DOCUMENT A/CONF.25/C.2/L.129****Belgium : amendment to article 38***[Original : French]*  
*[15 March 1963]*

Replace article 38 by the following text :

"In the exercise of the functions specified in article 5, consular officials may address :

"(a) The local authorities of their district ;

"(b) The authorities of the receiving State if this is allowed by the law of the receiving State."



**DOCUMENT A/CONF.25/C.2/L.130****Argentina, Belgium, Brazil, Netherlands  
and Venezuela : amendment to article 39***[Original : English]  
[15 March 1963]*

Amend paragraph 1 to read :

"1. The consulate may levy in the territory of the receiving State and freely transfer in the currency chosen by the sending State the fees and charges provided by its laws and regulations for consular acts."

**DOCUMENT A/CONF.25/C.2/L.131****France : amendment to article 36***[Original : French]  
[15 March 1963]*

In paragraph 1, between sub-paragraphs (b) and (c), insert the following new sub-paragraph :

"The competent authorities shall further be required, on request by the competent consulate of the sending State, to communicate to it periodically a list of the nationals of that State who are detained, except for those who object to such information concerning them being communicated to the consulate".

**DOCUMENT A/CONF.25/C.2/L.132****Belgium : amendment to article 46***[Original : French]  
[16 March 1963]*

Add the following new paragraph :

"3. The persons referred to in paragraph 1 of this article shall not enjoy the exemptions provided in paragraphs 1 and 2 if, in addition to their functions at the consulate, they are engaged in any gainful private occupation."

**DOCUMENT A/CONF.25/C.2/L.133****Belgium : amendments to article 48***[Original : French]  
[16 March 1963]*

Amend article 48 to read :

"1. Consular officials and members of their families forming part of their household who are not carrying on any gainful private occupation, shall be exempt from all dues and taxes, personal or real, national, regional or municipal, save :

[Sub-paragraphs (a) to (f) unchanged.]

"2. Consular employees and members of their families forming part of their household shall enjoy the exemption referred to in paragraph 1 above, provided that they are not carrying on a gainful private occupation.

"3. The following shall be exempt from dues and taxes on the wages and emoluments they receive for their services to the consulate :

"(a) Consular employees who are carrying on a gainful private occupation ;

"(b) Members of the service staff ;

"(c) Members of the private staff who are in the sole employ of members of the consulate."

**DOCUMENT A/CONF.25/C.2/L.134****United Kingdom : amendments to article 41***[Original : English]  
[16 March 1963]*

1. Amend paragraph 1 to read :

"1. If a consular officer is taken into custody in respect of an offence, he shall, upon the establishment of his identity, be released pending trial. However, this provision shall not apply if the consular officer is charged with a grave offence or if the sending State consents to his continued detention, provided that he shall not be detained for more than 48 hours except in pursuance of a decision by the competent judicial authority."

2. Add a new paragraph to read as follows :

"For the purposes of this article the expression 'grave offence' means any offence punishable with a maximum penalty of at least four years' imprisonment under the law of the receiving State."

**DOCUMENT A/CONF.25/C.2/L.135****United Kingdom : amendment to article 44***[Original : English]  
[16 March 1963]*

Amend paragraph 2 to read :

"2. In such event, all reasonable measures shall be taken to avoid interference with the work of the consulate and, in the case of a consular officer, arrangements shall, wherever possible and permissible, be made for the taking of the evidence, orally or in writing, at his office or residence".

**DOCUMENT A/CONF.25/C.2/L.136****United Kingdom : amendment to article 46***[Original : English]  
[16 March 1963]*

Amend paragraphs 1 and 2 to read :

"1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

"2. The provisions of paragraph 1 of this article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who is engaged in a private occupation for gain in the receiving State or who is a member of the service staff, or to any member of the family of any such employee."

**DOCUMENT A/CONF.25/C.2/L.137****United Kingdom : amendments to article 53***[Original : English]*  
*[16 March 1963]*

1. In paragraph 1, replace the words "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 moment when his appointment is notified to the Ministry for Foreign Affairs or to the authority designated by that Ministry" by the words "from the date of his admission or provisional admission by the receiving State or from the date of his entry into its territory, whichever is the later".

2. In paragraph 2, replace the words "members of his private staff" down to the end of the paragraph by the words "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."

**DOCUMENT A/CONF.25/C.2/L.138****United Kingdom : amendments to article 54***[Original : English]*  
*[16 March 1963]*

In paragraph 3, at the end of the first sentence, replace the words "as are accorded by the receiving State" by the words "as the receiving State is bound to accord under this convention", and add at the end of the second sentence the words "under this convention".

**DOCUMENT A/CONF.25/C.2/L.139****United Kingdom : amendments to article 43***[Original : English]*  
*[16 March 1963]*

Add two new paragraphs reading as follows :

"2. The provisions of paragraph 1 of this article shall not, however, apply in respect of a civil action either :

"(a) Arising out of a contract concluded by a consular officer of consular employee in which he did not contract expressly or impliedly as agent of the sending State ; or

"(b) By a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

"3. A consular officer or consular employee shall comply with any requirement imposed by the law of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft."

**DOCUMENT A/CONF.25/C.2/L.140****Nigeria : amendment to article 57***[Original : English]*  
*[16 March 1963]*

In paragraph 1, delete the mention of article 35 and add a separate paragraph reading as follows :

"The consular bag shall not be opened or detained, save where it emanates from a consulate headed by an honorary consular official and there are serious reasons to believe that the bag contains anything other than official correspondence."

**DOCUMENT A/CONF.25/C.2/L.141****Poland : amendment to article 54***[Original : French]*  
*[16 March 1963]*

In paragraph 1, after the words "when returning to his own country" insert the words "or making other official journeys".

**DOCUMENT A/CONF.25/C.2/L.142****Ukrainian Soviet Socialist Republic :  
amendments to article 48***[Original : Russian]*  
*[16 March 1963]*

1. In paragraph 1, delete the words "with the exception of the service staff".

2. Amend paragraph 2 to read :

"Members of the private staff in the sole employ of members of the consulate shall be exempt from dues and taxes on the wages which they receive for their services."

**DOCUMENT A/CONF.25/C.2/L.143****Hungary : amendment to article 41***[Original : English]*  
*[19 March 1963]*

Add the following new paragraph :

"4. The provisions of this article shall not apply to consular couriers whose inviolability is specified in article 35."

**DOCUMENT A/CONF.25/C.2/L.144****Australia : amendment to article 37***[Original : English]*  
*[18 March 1963]*

Amend sub-paragraph (a) to read :

"In the case of the death of a national of the sending State and where the whereabouts of the next-of-kin or close relatives are not known, to inform the consulate of the sending State in whose district the death occurred."

**DOCUMENT A/CONF.25/C.2/L.145****Belgium, Byelorussian Soviet Socialist Republic, Japan and Poland : amendment to article 38***[Original : English]*  
*[18 March 1963]*

Amend article 38 to read :

“In the exercise of the functions specified in article 5, consular officials 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 and by the relevant international agreements.”

**DOCUMENT A/CONF.25/C.2/L.146****Belgium : amendment to article 50***[Original : French]*  
*[18 March 1963]*

Amend the introductory passage to read :

“In the event of the death of a member of the consulate or of a member of his family forming part of his household, who was not a national or permanent resident of the receiving State, that State : ”.

**DOCUMENT A/CONF.25/C.2/L.147****Belgium : amendment to article 51***[Original : French]*  
*[19 March 1963]*

Add the following sentence at the end of the article :

“These exemptions shall not, however, apply to members of the families of consular employees if the latter, in addition to their functions at the consulate, carry on a private gainful occupation.”

**DOCUMENT A/CONF.25/C.2/L.148****South Africa : amendment to article 41***[Original : English]*  
*[18 March 1963]*

Add the following sentence at the end of paragraph 3 :

“When it has become necessary to detain a consular official in terms of paragraph 1, the proceedings against him shall be instituted with the minimum of delay”.

**DOCUMENT A/CONF.25/C.2/L.149****Romania : amendment to article 41***[Original : French]*  
*[19 March 1963]*

Amend paragraph 1 to read :

“1. Consular officials shall not be liable to arrest or detention pending trial, except in the case of an

offence for which the maximum penalty is a term of imprisonment of at least five years and pursuant to a decision of the competent judicial authority.”

**DOCUMENT A/CONF.25/C.2/L.150****Spain : amendment to article 41***[Original : Spanish]*  
*[19 March 1963]*

Amend paragraph 1 to read :

“1. Consular officials shall not be liable to arrest or detention pending trial, unless taken in *flagrante delicto* or unless they are accused of an offence punishable by deprivation of liberty for a term exceeding six years and in that case solely in accordance with a decision of the competent judicial authority”.**DOCUMENT A/CONF.25/C.2/L.151****Spain : amendment to article 44***[Original : Spanish]*  
*[20 March 1963]*

In paragraph 2, replace the words “avoid interference with” by the words “avoid hindering him in”.

**DOCUMENT A/CONF.25/C.2/L.152****Australia : amendment to article 45***[Original : English]*  
*[19 March 1963]*

In paragraph 2, add at the end of the sentence the words “except as provided in paragraph 3 of this article”.

**DOCUMENT A/CONF.25/C.2/L.153****Australia : amendment to article 49***[Original : English]*  
*[19 March 1963]*

In paragraph 2, replace the word “immunities” by the word “exemptions”.

**DOCUMENT A/CONF.25/C.2/L.154****Australia : amendment to article 57***[Original : English]*  
*[19 March 1963]*

Add at the end of paragraph 1 the words “and their consulates”.

**DOCUMENT A/CONF.25/C.2/L.155****Australia : amendment to article 59***[Original : English]*  
*[19 March 1963]*

In paragraph 1, insert the word “honorary” before the words “head of post”.

**DOCUMENT A/CONF.25/C.2/L.156****Australia : amendment to article 64**

[Original : English]  
[19 March 1963]

Amend article 64 to read :

“The receiving State shall exempt honorary consular officials who are neither nationals nor permanent residents of the receiving State from all personal services and from all public services of any kind and also from military obligations such as those concerned with requisitioning, military contributions and billeting.”

**DOCUMENT A/CONF.25/C.2/L.157****Switzerland : amendment to article 46**

[Original : French]  
[20 March 1963]

In paragraph 1, delete the words “and their private staff”.

**DOCUMENT A/CONF.25/C.2/L.158****Switzerland : amendment to article 48**

[Original : French]  
[19 March 1963]

Replace paragraph 1 (a) by the following text :

“(a) Indirect taxes normally incorporated in the price of goods or services, whether invoiced separately or not ;”.

**DOCUMENT A/CONF.25/C.2/L.159****India : amendment to article 44**

[Original : English]  
[19 March 1963]

Amend paragraph 1 to read :

“1. Members of the consulate may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee shall not, except in the cases mentioned in paragraph 3 of this article, decline to give evidence. If a consular official should decline to do so, no coercive measure or penalty may be applied to him.”

**DOCUMENT A/CONF.25/C.2/L.160****India : amendment to article 47**

[Original : English]  
[19 March 1963]

Amend paragraph 1 to read :

“Subject to the provisions of paragraph 3 of this article, the members of the consulate, with respect to services rendered for the sending State and the members of their families forming part of their households who are not engaged in gainful occupation or professional or other activities, shall be exempt from social security provisions which may be in force in the receiving State.”

**DOCUMENT A/CONF.25/C.2/L.161****Brazil : amendment to article 69**

[Original : English]  
[19 March 1963]

Amend article 69 to read :

“1. Members of the consulate who are nationals of the receiving State shall enjoy immunity from jurisdiction and personal inviolability in respect only of official acts performed in the exercise of their functions. Without prejudice to any additional privileges and immunities which may be granted to them by the receiving State, they shall also enjoy the following :

“(a) The right not to give evidence concerning matters connected with the exercise of their functions nor to produce official correspondence and documents relating thereto ;

“(b) In the event of the arrest or detention pending trial of the head of the consular post, or of criminal proceedings being instituted against him, the receiving State shall notify the sending State through official channels.

“2. The receiving State shall exercise its jurisdiction over its nationals who are members of the consulate, or over members of their families, in such a way as not to hinder unduly the performance of the functions of the consulate.”

**DOCUMENT A/CONF.25/C.2/L.162/Rev.1****Greece : amendments to article 53**

[Original : French]  
[28 March 1963]

1. In paragraph 2, delete the words “and members of his private staff”.

2. In paragraph 4, delete the words “personal inviolability and”.

3. The Greek delegation also proposes that the Drafting Committee should consider the possibility of replacing the terms “privileges and immunities” where they apply to members of the family of a member of the consulate by the word “advantages”.

**DOCUMENT A/CONF.25/C.2/L.163****Greece : amendment to article 58**

[Original : English]  
[19 March 1963]

Delete article 58.

**DOCUMENT A/CONF.25/C.2/L.164****Brazil : amendment to article 52**

[Original : English]  
[20 March 1963]

Delete article 52 and replace it by a special optional protocol concerning acquisition of nationality, along the lines of the one signed at Vienna on 18 April 1961.

**DOCUMENT A/CONF.25/C.2/L.165****Switzerland : amendment to article 66**[Original : French]  
[21 March 1963]

Add a new paragraph 2 reading as follows :

"2. The premises of a consular post conducted by an honorary consul shall not be used in a manner incompatible with consular functions as defined in the articles of this convention or in other rules of international law".

**DOCUMENT A/CONF.25/C.2/L.166****Federal Republic of Germany : amendment to article 44**[Original : French]  
[20 March 1963]

In paragraph 1, after the words "no coercive measure or penalty", insert the words "of a police or judicial nature".

**DOCUMENT A/CONF.25/C.2/L.167****Venezuela : amendment to article 43**[Original : Spanish]  
[20 March 1963]

Replace the words "Members of the consulate" by the words "Consular officials".

**DOCUMENT A/CONF.25/C.2/L.168****Brazil, Federal Republic of Germany, Italy, Spain, and the United Kingdom : amendment to article 41**

Replace article 41 by the following text :

"1. Consular officers shall enjoy personal inviolability to the extent provided in this article.

"2. A consular officer shall not be liable to arrest in respect of any offence unless :

"(a) The offence is a grave offence ; or

"(b) He is detected in *flagrante delicto* ; or

"(c) He is unable to establish his identity ; or

"(d) The sending State requests or consents to his arrest.

"3. Except in the case of a grave offence or at the request or with the consent of the sending State a consular officer who has been arrested shall not be liable to detention in custody pending trial after he has established his identity.

"4. A consular officer who has been arrested and who has not been released shall be brought before a competent judicial authority not later than forty-eight hours after his arrest. Thereafter he shall not be liable to further detention pending trial unless such an authority so orders and the detention is justified in accordance with the provisions of paragraph 3 of this article.

"5. Except as provided in paragraphs 2, 3 and 4 of this article, a consular official shall not be committed to prison or subjected to any other form of restriction on his personal freedom save in execution of a judicial decision of final effect.

"6. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless the proceedings shall be conducted with the respect due to him by reason of his official position and, except where his detention in custody is justified by the provisions of paragraphs 3 and 4 of this article, in a manner which hamper the exercise of his consular functions as little as possible.

"7. For the purposes of this article the expression 'grave offence' means any offence punishable with a maximum penalty of at least five years' imprisonment under the law of the receiving State."

**DOCUMENT A/CONF.25/C.2/L.168/Rev.1****Brazil, Federal Republic of Germany, Italy, Spain and the United Kingdom : revised amendment to article 41**[Original : English]  
[20 March 1963]

Replace article 41 by the following text :

"1. Consular officers shall enjoy personal inviolability to the extent provided in this article.

"2. A consular officer shall not be liable to arrest in respect of any offence unless :

"(a) The offence is a grave offence ; or

"(b) He is detected in *flagrante delicto* ; or

"(c) It has not been possible to establish his identity.

"3. Except in the case of a grave offence a consular officer who has been arrested shall not be liable to detention in custody pending trial after he has established his identity.

"4. A consular officer who has been arrested and who has not been released shall be brought before a competent judicial authority not later than forty-eight hours after his arrest. Thereafter he shall not be liable to further detention pending trial unless such an authority so orders and the detention is justified in accordance with the provisions of paragraph 3 of this article.

"5. Except as provided in paragraphs 2, 3 and 4 of this article, a consular official shall not be committed to prison or subjected to any other form of restriction on his personal freedom save in execution of a judicial decision of final effect.

"6. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless the proceedings shall be conducted with the respect due to him by reason of his official position and, except where his detention in custody is justified by the provisions of paragraphs 3 and 4 of this article, in a manner which hamper the exercise of his consular functions as little as possible.

"7. For the purposes of this article the expression 'grave offence' means any offence punishable with a maximum penalty of at least five years' imprisonment under the law of the receiving State."

**DOCUMENT A/CONF.25/C.2/L.169**

**Tunisia : amendment to article 45**

[Original : French]  
[20 March 1963]

At the end of paragraph 4, add the following sentence :

"Nevertheless, the sending State shall facilitate the execution of a final judgement."

**DOCUMENT A/CONF.25/C.2/L.170**

**South Africa : amendment to article 48**

[Original : English]  
[20 March 1963]

Amend paragraph 1 (b) to read :

"(b) Dues and taxes on immovable property occupied in the territory of the receiving State but not owned or leased on behalf of the sending State ;".

**DOCUMENT A/CONF.25/C.2/L.171**

**United Kingdom : amendment to article 49**

[Original : English]  
[20 March 1963]

Amend paragraph 1 to read :

"1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges, other than charges for storage, cartage and similar services, on articles, not the produce or manufacture of that State, which are :

"(a) For the official use of the consulate ;

"(b) For personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment."

**DOCUMENT A/CONF.25/C.2/L.172**

**United Kingdom : amendment to article 50**

[Original : English]  
[20 March 1963]

Delete sub-paragraph (b).

**DOCUMENT A/CONF.25/C.2/L.173**

**Spain : amendment to article 49**

[Original : Spanish]  
[20 March 1963]

Amend paragraph 1 (b) to read :

"(b) Articles for the personal use of a consular official or members of his family forming part of his household, including articles intended for his estab-

lishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned."

**DOCUMENT A/CONF.25/C.2/L.174**

**Belgium and Ireland : amendment to article 54**

[Original : English]  
[21 March 1963]

Replace paragraphs 1 and 2 by the following text :

"If consular officials, or members of their families, are passing through or in the territory of a third State while proceeding to take up or return to their post or when returning to their own country, the third State shall accord to them all the necessary facilities as may be required to permit their transit through the territory."

**DOCUMENT A/CONF.25/C.2/L.175**

**France : amendment to article 46**

[Original : French]  
[21 March 1963]

In paragraph 1, replace the words "their private staff" by the words "the private staff of consular officials and of consular employees who perform administrative and technical functions".

**DOCUMENT A/CONF.25/C.2/L.176**

**Spain : amendment to article 50**

[Original : Spanish]  
[21 March 1963]

Amend sub-paragraph (b) to read :

"(b) Shall not levy estate, succession or inheritance duties on furniture the presence of which in the receiving State ...".

**DOCUMENT A/CONF.25/C.2/L.177**

**India : amendment to article 48**

[Original : English]  
[21 March 1963]

Amend the introductory phrase of paragraph 1 to read :

"1. Members of the consulate with the exception of the service staff shall be exempt from all dues and taxes, personal or real, national, regional or municipal, save :".

**DOCUMENT A/CONF.25/C.2/L.178**

**India : amendment to article 49**

[Original : English]  
[21 March 1963]

Add a new paragraph 3 reading as follows :

"3. The exemption granted under paragraphs 1 and 2 is without prejudice to the right of the receiving State :

- “(a) To restrict quantity of the goods imported ;  
 “(b) To designate the period during which the import of articles must take place ;  
 “(c) To specify the period within which goods imported duty free must not be resold.”

**DOCUMENT A/CONF.25/C.2/L.179****India : amendment to article 56**

[Original : English]  
 [21 March 1963]

Amend article 56 to read :

“1. The sending State may permit career consuls to engage in private gainful occupation with the consent of the receiving State.

[Alternative text]

“1. The sending State shall, in the event of appointment of a career consular official who is permitted to engage in private gainful occupation in addition to his consular functions, notify the Ministry for Foreign Affairs of the receiving State or the authority designated by that Ministry.

“2. The provisions applicable to the persons appointed in accordance with paragraph 1 of this article shall, so far as facilities, privileges and immunities are concerned, be the same as those applicable to honorary consular officials.”

**DOCUMENT A/CONF.25/C.2/L.180****India : amendment to article 69**

[Original : English]  
 [21 March 1963]

In paragraphs 1 and 2, insert the words “or permanent residents of” after the word “nationals”.

**DOCUMENT A/CONF.25/C.2/L.181****United States of America : amendments to article 50**

[Original : English]  
 [22 March 1963]

1. In the opening clause, delete the words “, the receiving State”.

2. In sub-paragraph (a), substitute the words “The receiving State shall” for the word “shall”.

3. Amend sub-paragraph (b) to read :

“(b) Movable property belonging to the estate of a deceased member of the consulate or a deceased member of the family of a member of the consulate and the presence of which in the receiving State was due solely to the performance of official duties by such members of the consulate shall be exempt in the receiving State from estate, succession or inheritance duties or taxes, national, regional or municipal.”

**DOCUMENT A/CONF.25/C.2/L.182****United States of America : amendment to article 57**

[Original : English]  
 [22 March 1963]

Add articles 30, paragraphs 1 and 2, and 40 to the list of articles enumerated in paragraph 1.

**DOCUMENT A/CONF.25/C.2/L.183****United States of America : amendment to article 58**

[Original : English]  
 [22 March 1963]

Delete article 58.

**DOCUMENT A/CONF.25/C.2/L.184****United States of America : amendment to article 59**

[Original : English]  
 [22 March 1963]

Amend paragraph 1 to read :

“1. Consular premises headed by an honorary consular official and used exclusively for consular purposes, of which the sending State or any person acting on behalf of the sending State is the owner or lessee, shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.”

(Consequential to amendment of article 31.)

**DOCUMENT A/CONF.25/C.2/L.185****Ukrainian Soviet Socialist Republic : amendment to article 49**

[Original : Russian]  
 [22 March 1963]

Add a new paragraph 3 reading as follows :

“Personal luggage accompanying consular officials and members of their families shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in paragraph 1 (b) of this article, or articles the import or export of which is prohibited by law or which are subject to the quarantine regulations of the receiving State. Such inspection shall be carried out in the presence of the person whose luggage is accompanying him.”

**DOCUMENT A/CONF.25/C.2/L.186****France : amendment to article 47**

[Original : French]  
 [22 March 1963]

Replace paragraph 4 by the following text :

“The provisions of this article shall not affect bilateral or multilateral agreements relating to social security concluded previously and shall not preclude the conclusion of such agreements in the future.”

**DOCUMENT A/CONF.25/C.2/L.187****Spain : amendment to article 55***[Original : Spanish]*  
[22 March 1963]

Amend paragraph 3 to read :

“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 ...”.

**DOCUMENT A/CONF.25/C.2/L.188****South Africa : amendment to article 56***[Original : English]*  
[22 March 1963]

Add the following sentence :

“In such circumstances, the members of the families of career consular officials shall not enjoy greater facilities, privileges and immunities than those enjoyed by the consular officials themselves.”

**DOCUMENT A/CONF.25/C.2/L.189****South Africa : amendment to article 57***[Original : English]*  
[22 March 1963]

In paragraph 1, delete the mention of article 29 and article 41, paragraph 3.

**DOCUMENT A/CONF.25/C.2/L.190****South Africa : amendment to article 61***[Original : English]*  
[22 March 1963]

Amend article 61 to read :

“The receiving State is under a duty to accord to an honorary consular official such special protection as may be required by reason of his official position.”

**DOCUMENT A/CONF.25/C.2/L.191****South Africa : amendment to article 49***[Original : English]*  
[22 March 1963]

Amend paragraph 2 to read :

“Consular employees, except those belonging to the service staff, shall enjoy the exemptions specified in the previous paragraph in respect of articles imported for their personal use at the time of first installation. The receiving State may, however, determine that such exemptions shall not be granted in respect of specific articles of a consumable nature.”

**DOCUMENT A/CONF.25/C.2/L.192****Australia : amendment to article 69***[Original : English]*  
[24 March 1963]

In paragraphs 1 and 2, add the words “or permanently resident in” after the words “who are nationals of”.

**DOCUMENT A/CONF.25/C.2/L.193****Canada : amendment to article 48***[Original : English]*  
[25 March 1963]

In paragraph 1 (c), replace the word “and” between “inheritance duties” and “duties on transfers” by the word “including”.

**DOCUMENT A/CONF.25/C.2/L.194****Canada : amendment to article 50***[Original : English]*  
[25 March 1963]

In sub-paragraph (b) insert the words “including duties on transfers” between the words “inheritance duties” and “on movable property”.

**DOCUMENT A/CONF.25/C.2/L.195****France : amendments to article 48***[Original : French]*  
[25 March 1963]

1. Amend paragraph 1 (a) to read :  
“(a) Indirect taxes of a kind which are normally incorporated in the price of goods or services ;”.
2. Amend paragraph 1 (b) to read :  
“(b) Dues or taxes on private immovable property situated in the territory of the receiving State, subject, however, to the application of the provisions of article 31 to immovable property owned by the head of post or leased by him on behalf of the sending State for the purposes of the consulate ;”.

**DOCUMENT A/CONF.25/C.2/L.196****Chile : amendment to article 50***[Original : Spanish]*  
[25 March 1963]

After the words “In the event of the death of a member of the consulate”, insert the words “who is not a national of the receiving State and is not permanently resident there.”.



**DOCUMENT A/CONF.25/C.2/L.197****Australia : amendment to article 48***[Original : English]*  
[25 March 1963]

Amend paragraph 2 to read :

"2. Members of the service staff and members of the private staff who are in the sole employ of members of the consulate as domestic servants shall be exempt from dues and taxes on the wages which they receive for their services."

**DOCUMENT A/CONF.25/C.2/L.198****Netherlands : amendment to article 46A<sup>6</sup>***[Original : English]*  
[26 March 1963]

Add a new paragraph 2 reading as follows :

"This article shall not apply to the employment outside the consulate of persons belonging to the families of members of the consulate."

**DOCUMENT A/CONF.25/C.2/L.199****France : amendment to article 46A***[Original : French]*  
[26 March 1963]

Replace the words "their private staff" by the words "the private staff of consular officials and of consular employees who perform administrative and technical functions".

**DOCUMENT A/CONF.25/C.2/L.200****India : amendment to article 57***[Original : English]*  
[26 March 1963]

In paragraph 1, delete the reference to articles 28 and 49.

**DOCUMENT A/CONF.25/C.2/L.201****India : amendment to article 58***[Original : English]*  
[26 March 1963]

Delete article 58.

**DOCUMENT A/CONF.25/C.2/L.202****India : amendment to article 59***[Original : English]*  
[26 March 1963]

Delete article 59.

**DOCUMENT A/CONF.25/C.2/L.203****Finland : amendment to article 46A***[Original : English]*  
[26 March 1963]

Amend article 46A to read :

"Members of the private staff shall, with respect to their employment as such, be exempt from any obligations in regard to work permits imposed either on employers or on employees by the laws and regulations of the receiving State concerning the employment of foreign labour."

**DOCUMENT A/CONF.25/C.2/L.204****Switzerland : amendment to article 46A***[Original : French]*  
[26 March 1963]

After the words "members of their families forming part of their households" delete the words "and their private staff".

**DOCUMENT A/CONF.25/C.2/L.205****Belgium : amendment to article 46A***[Original : French]*  
[26 March 1963]

After the words "their private staff" add the words "if they do not carry on any private gainful occupation"

**DOCUMENT A/CONF.25/C.2/L.206****Greece, New Zealand and the United Kingdom : amendment to article 46A***[Original : English]*  
[26 March 1963]

Amend article 46A to read :

"Members of the consulate shall be exempt, with respect to their employment in the consulate from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour."

**DOCUMENT A/CONF.25/C.2/L.207****Romania : amendment to article 51***[Original : French]*  
[26 March 1963]

Delete the words "other than the service staff".

**DOCUMENT A/CONF.25/C.2/L.208****India : amendment to article 61***[Original : English]*  
[27 March 1963]

Amend article 61 to read :

"The receiving State is under a duty to accord an honorary consular official special protection in times of emergency by reason of his official position."

<sup>6</sup> At its 30th meeting, the Second Committee decided that paragraph 2 of article 46 of the draft articles adopted by the International Law Commission should be considered as a separate article, provisionally numbered 46A.

**DOCUMENT A/CONF.25/C.2/L.209****India : amendment to article 63***[Original : English]*  
[27 March 1963]

Delete article 63.

**DOCUMENT A/CONF.25/C.2/L.210****India : amendment to article 65***[Original : English]*  
[27 March 1963]

Insert the word "official" before the word "correspondence".

**DOCUMENT A/CONF.25/C.2/L.211****France : amendment to article 56***[Original : French]*  
[28 March 1963]

Amend article 56 to read :

"The provisions applicable to members of the consulate, other than the service staff, who carry on a private gainful occupation in the receiving State shall, so far as facilities, privileges and immunities are concerned, be the same as those applicable to honorary consular officials."

**DOCUMENT A/CONF.25/C.2/L.211/Rev.1****France and Japan : amendment to article 56***[Original : English]*  
[30 March 1963]

Amend article 56 to read as follows :

"1. The provisions applicable to career consular officials and consular employees entrusted with administrative or technical tasks who carry on a private gainful occupation in the receiving State shall, so far as facilities are concerned, be the same as those applicable to honorary consular officials and consular employees.<sup>7</sup>

"2. Privileges and immunities provided for under chapter II shall not be accorded to :

"(a) Members of the family of any of the persons to whom paragraph 1 of this article applies, nor to the private staff of any such person, or

"(b) Those members of the family of a member of a consulate who are engaged in private occupation for gain in the receiving State."

<sup>7</sup> At the 38th meeting of the Second Committee, the representative of Japan drew attention to certain corrections to paragraph 1 of this amendment: the words "privileges and immunities" should be inserted after the word "facilities", and the words "consular employees" at the end of the paragraph should read "their employees".

**DOCUMENT A/CONF.25/C.2/L.212****Norway : amendment to article 57***[Original : English]*  
[1 April 1963]

Amend article 57 to read :

"1. Articles 28, 29, 33, 34, 35, 36, 37, 38, 39 and 49, paragraph 1 (a), shall likewise apply to consulates headed by an honorary consular official. In addition, the facilities, privileges and immunities of such consulates shall be governed by articles 58, 59, 60 and 65.

"2. Article 41, paragraph 3, articles 42, 43, 44, paragraph 3, articles 45 and 53 shall likewise apply to honorary consular officials. In addition, the facilities, privileges and immunities of such consular officials shall be governed by articles 61, 62, 63, 64 and 66."

**DOCUMENT A/CONF.25/C.2/L.213****United Kingdom : amendments to article 57***[Original : English]*  
[1 April 1963]

1. In paragraph 1 add references to articles 31, 54, paragraph 3, and 55.

2. Add at the end of paragraph 1 the words "and employees and to consulates of which the head of the post is an honorary consular official."

**DOCUMENT A/CONF.25/C.2/L.214****Pakistan : amendment to article 57***[Original : English]*  
[1 April 1963]

In paragraph 1, delete the references to articles 43, 44, paragraph 3, and 49, with the exception of paragraph 1 (b).

**DOCUMENT A/CONF.25/C.2/L.215****Pakistan : amendment to article 58***[Original : English]*  
[1 April 1963]

Delete article 58.

**DOCUMENT A/CONF.25/C.2/L.216****Pakistan ; amendment to article 59***[Original : English]*  
[1 April 1963]

Delete article 59.

**DOCUMENT A/CONF.25/C.2/L.217****Japan : amendments to article 57**

[Original : English]  
[1 April 1963]

1. Add articles 40 and 55 to the list of articles enumerated in paragraph 1 and add the following words at the end of the paragraph :

“and consular employees who are employed at a consulate headed by an honorary consular official and who are not engaged in a private gainful occupation in the receiving State.”

2. Add the following new paragraph :

“Privileges and immunities provided for in this convention shall not be accorded to members of the family of an honorary consular official or of a consular employee employed at a consulate headed by an honorary consular official.”

3. (Drafting change) :

Delete articles 28, 29 and 33 from the list of articles enumerated in paragraph 1 and insert the following new paragraph :

“Articles 28, 29 and 33 shall likewise apply to a consulate headed by an honorary consular official.”

**DOCUMENT A/CONF.25/C.2/L.218****France : amendments to article 57**

[Original : French]  
[1 April 1963]

1. At the end of paragraph 1, add the words “and to their employees.”

2. In paragraph 1, replace the words “49, with the exception of paragraph 1 (b)” by the words “49, paragraph 1 (b)”.

**DOCUMENT A/CONF.25/C.2/L.219****South Africa : amendment to article 58**

[Original : English]  
[1 April 1963]

Replace article 58 by the following text :

“The receiving State shall take such steps as may be necessary to protect the premises of a consulate headed by an honorary consular official against any intrusion or damage and to prevent any disturbance of the peace of the consulate or impairment of its dignity. This obligation shall, however, relate only to that part of the premises which is used exclusively for the exercise of consular functions.”

**DOCUMENT A/CONF.25/C.2/L.220****South Africa : amendment to article 59**

[Original : English]  
[1 April 1963]

Amend paragraph 1 to read :

“1. The consular premises of an honorary head of post of which the sending State or any person

acting on behalf of the sending State is the owner or lessee, shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered, provided such premises are used exclusively for the exercise of consular functions.”

**DOCUMENT A/CONF.25/C.2/L.221****South Africa : amendment to article 60**

[Original : English]  
[1 April 1963]

Amend the proviso to read :

“... provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of post and of any person working with him, and from the materials, books or documents relating to their profession or trade.”

**DOCUMENT A/CONF.25/C.2/L.222****Portugal : amendment to article 63**

[Original : English]  
[1 April 1963]

Add the following sentence :

“If he does not carry on a gainful private occupation, he shall enjoy also the exemption provided for in article 49, paragraph 1 (b).”

**DOCUMENT A/CONF.25/C.2/L.223****United Kingdom : amendment to article 65**

[Original : English]  
[1 April 1963]

Delete article 65.

**DOCUMENT A/CONF.25/C.2/L.224****United Kingdom : amendment to article 66**

[Original : English]  
[1 April 1963]

Delete article 66.

**DOCUMENT A/CONF.25/C.2/L.225****Japan : amendment to article 62**

[Original : English]  
[1 April 1963]

Delete article 62.

**DOCUMENT A/CONF.25/C.2/L.226****Japan : amendment to article 67**

[Original : English]  
[1 April 1963]

Delete article 67.

**DOCUMENT A/CONF.25/C.2/L.228****Norway : amendment to article 69**

[Original : English]  
[2 April 1963]

Amend the last sentence of paragraph 1 to read :

“ So far as these officials are concerned the receiving State shall likewise be bound by the obligation laid down in article 41, paragraph 3, second sentence, and article 42.”

**DOCUMENT A/CONF.25/C.2/L.229****Brazil, Canada, Ceylon, India, Japan, Netherlands and South Africa : amendments to article 69**

[Original : English]  
[2 April 1963]

1. In paragraph 1, after the words “ who are nationals ” of insert the words “ or permanently resident in ”.

2. Amend paragraph 2 to read :

“ Other members of the consulate who are nationals of or permanently resident in the receiving State and members of their families as well as members of the families of consular officials referred to in paragraph 1 shall enjoy privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the

families of members of the consulate and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy privileges and immunities only in so far as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over these persons in such a way as not to hinder unduly the performance of the functions of the consulate.”

**DOCUMENT A/CONF.25/C.2/L.230****Belgium and France :  
proposed new article between articles 69 and 70**

[Original : French]  
[3 April 1963]

“ 1. The provisions of chapter III and of article 69 of the present convention shall apply to consular employees who carry on a private gainful occupation in the receiving State.

“ 2. The privileges and immunities provided in chapters II and III of the present convention shall not be accorded :

“ (a) To members of the family of a consular employee coming within the scope of paragraph 1 of this article or to his private staff ;

“ (b) To members of the family of a member of the consulate who carry on a private gainful occupation in the receiving State.”