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PROVISIONAL DRAFT ARTICLES RELATING TO
CONSULAR INTERCOURSE AND IMMUNITIES

Texts prepared by the Drafting Committee and submitted
to the Commission for consideration (continued)

CHAPTER III: HONORARY CONSULS

Articles 54 and 55 (omitted)

Article 56

Legal status of honorary consuls

1. The provisions of chapter I, sections I and IV, of the present articles shall apply to honorary consuls.
2. In sections II and III of chapter I, articles 22, 23, 24, 26, 28, 31, 33, paragraphs 3 and 4, 34, 38 (a), 42, 43, 48 and 53 shall likewise be applicable to honorary consuls.
3. As regards the matters dealt with in articles 27, 32, 35, 37, 39, 40 and 46, articles 56 (a) to 57 shall apply to honorary consuls.

Note: The Commission decided to defer a decision on the applicability of article 25 to honorary consuls pending the receipt of government comments. The Commission also decided to defer a decision on the applicability of articles 28 (a), 29, 30, 40 paragraphs 2 and 3, and 45 to honorary consuls until these articles had been prepared by the Drafting Committee.

Article 56 a

Inviolability of the official correspondence,
archives and documents of the consulate

The official correspondence, archives and documents of a consulate headed by an honorary consul shall be inviolable and may not be the subject of any search or seizure, provided that they are kept separated from the private correspondence of the honorary consul and from the books and documents relating to any gainful private activity which he carries on.

Article 56 b

Special protection

The receiving State is bound to accord to an honorary consul special protection in keeping with his official position.

Article 56 c

Exemption from obligations in the matter of registration of aliens and residence and work permits

An honorary consul and the members of his family, with the exception of those who are nationals of the receiving State or who carry on a gainful private activity outside the consulate, shall be exempt from all obligations under local legislation in the matter of the registration of aliens, residence permits and work permits.

Article 56 d

Exemption from taxation

An honorary consul [if not a national of the receiving State and if not engaged in any gainful private activity] shall be exempt from taxes and dues on the remuneration and emoluments which he receives from the sending State in his capacity as honorary consul.

Article 56 e

Exemption from personal services and contributions

The receiving State shall

(a) exempt honorary consuls, other honorary consular officials and the members of their families, from all personal services and from all public service of any kind whatsoever;

(b) exempt the persons referred to in sub-paragraph (a) of this article from such military obligations as those connected with requisitioning, taxation and billeting.

Article 56 f

Liability to give evidence

An honorary consul may decline to attend as witness in the course of judicial or administrative proceedings and to produce official correspondence and documents in his possession, in any case in which he is requested to do so in connexion with matters relating to the exercise of his consular functions. In such event, the authority requiring the evidence shall refrain from taking any coercive measures with respect to him.

Article 56 g

Respect for the laws and regulations of the receiving State

In addition to the duty specified in the first sentence of paragraph 1 of article 46, an honorary consul has the duty not to use his official position for purposes of internal politics or for the purpose of securing advantages in any gainful private activity which he carries on.

Article 57

Precedence

Honorary consuls shall rank in each class after career consuls in the order and according to the rules laid down in article 15.

Article 57 bis

Optional character of the use and admission of honorary consuls

Each State is free to decide whether it will make use of honorary consuls and whether it will receive them in its territory.

CHAPTER IV

Article 59

Relationship between these articles and bilateral conventions

First text:

Acceptance of the present articles shall not rule out the possibility of the maintenance in force by the Parties, in their mutual relations, of existing bilateral conventions concerning consular intercourse and immunities, or the conclusion of such conventions in the future.

Second text:

The provisions of these articles shall not affect bilateral conventions concerning consular intercourse and immunities concluded previously between the Contracting Parties, and shall not prevent the conclusion of such conventions in the future.