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Summary record of the 625th meeting

Topic:
Other topics

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ARTICLE 24 (formerly article 28) (Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances) (*continued*)⁵

109. The CHAIRMAN said that the Drafting Committee proposed the following amended text for article 24, paragraph 1:

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

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

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

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

110. Mr. BARTOŠ, referring to paragraph 1 (a), pointed out that, as the consular premises were not always the property of the sending State, the lease might have to be surrendered if consular relations were severed. He did not think, however, that a specific reference to that eventuality was necessary.

The amended text of paragraph 1 and article 24 as a whole were adopted.

ARTICLE 27 (formerly article 31) (Inviolability of the consular premises) (*continued*)⁶

111. The CHAIRMAN said that the Drafting Committee proposed the following amended text for article 27, paragraph 3:

“ 3. The consular premises, their furnishings, the property of the consulate and its means of transport shall be immune from any search, requisition, attachment or execution.”

The amended text of paragraph 3 was adopted.

ARTICLE 41*bis* (formerly article 50*bis*)
(Waiver of immunities) (*continued*)⁷

112. The CHAIRMAN said that the Drafting Committee proposed the following revised text for the article concerning the waiver of immunities:

“ 1. The sending State may waive, with regard to a member of the consulate, the immunities provided for in articles 38, 40 and 41.

“ 2. The waiver shall in all cases be express.

“ 3. The initiation of proceedings by a member of the consulate in a matter where he might enjoy immunity from jurisdiction under article 40, shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

“ 4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.”

The revised text was adopted.

113. The CHAIRMAN announced that the Commission had concluded its consideration of the draft articles on consular intercourse and immunities.

Recommendation to the General Assembly

114. The CHAIRMAN said that the general consensus appeared to be that the Commission should recommend, under article 23, paragraph 1 (d), of its Statute, that an international conference should be convened for the purpose of concluding a convention on the basis of the Commission's draft. He suggested accordingly that the Commission should address a recommendation in that sense to the General Assembly.

It was so agreed.

The meeting rose at 1.15 p.m.

625th MEETING

Wednesday, 5 July 1961, at 9.30 a.m.

Chairman: Mr. Grigory I. TUNKIN

Consideration of the Commission's draft report covering the work of its thirteenth session

(A/CN.4/L.95 and Add. 1 and 2)

1. The CHAIRMAN invited the Commission to consider its draft report (A/CN.4/L.95 and Add.1 and 2).

CHAPTER I (Organization of the session)

Chapter I of the draft report (A/CN.4/L.95) was adopted, subject to drafting changes.

CHAPTER II (Consular intercourse and immunities) (A/CN.4/L.95/Add.1)

Section I (Introduction)

2. Mr. ERIM asked whether there was to be any further reference, other than that made in paragraph 27, to the Commission's recommendation that the General Assembly should convene an international conference to study its draft on consular intercourse and immunities.

3. The CHAIRMAN suggested that it would be desirable to devote a special subsection of the report to that recommendation so as to give it greater prominence.

4. Mr. ŽOUREK, Special Rapporteur, supported the Chairman's suggestion.

The suggestion was approved.

⁵ Resumed from the 618th meeting.

⁶ Resumed from the 619th meeting.

⁷ Resumed from the 612th meeting.

Section II (General considerations)

5. In answer to a question by the CHAIRMAN, Mr. ŽOUREK, Special Rapporteur, explained that the purpose of paragraph 34 (e) was to indicate that an additional chapter containing final clauses would need to be included in the draft to be formulated by the future international conference.

6. Sir Humphrey WALDOCK, referring to the second sentence in paragraph 35, said that the expression "absolutely indispensable" was too strong and should be toned down.

7. Mr. ŽOUREK, Special Rapporteur, said that he had wished to emphasize the value of titles in such a long and detailed draft.

8. The CHAIRMAN, speaking as a member of the Commission, said that titles were frequently dispensed with in draft conventions drawn up by an international conference because it was not always easy to draft titles in terms reflecting unambiguously the content of the article. Accordingly the Commission should not express so categorical a view and the last sentence in paragraph 35 should be deleted.

9. Mr. LIANG, Secretary to the Commission, agreed that the course advocated by the Chairman would be more in consonance with recent trends. Perhaps it might also be desirable to delete the third sentence which seemed to contain an implicit criticism of the practice followed by governments.

10. On the other hand, the Commission might usefully recommend the use of marginal titles.

11. Mr. ŽOUREK, Special Rapporteur, agreeing with the Secretary, said he still thought that marginal titles were of great assistance to the reader, particularly in long texts.

12. The CHAIRMAN suggested the substitution of the word "useful" for the words "absolutely indispensable" in the second sentence of paragraph 35, the deletion of the word "great" in the third sentence and the replacement of the last sentence by a passage recommending the use of titles for the chapters and marginal titles for the articles.

It was so agreed.

Section III (General character of the consular mission)

13. Mr. ERIM thought it undesirable to insert any statements of explanations concerning diplomatic missions and their functions in the report, particularly as they might give rise to differences of opinion, were liable to be incomplete or might be at variance with the Vienna Convention on Diplomatic Relations.

14. Mr. ŽOUREK, Special Rapporteur, explained that he had inserted that section in the belief that it would be helpful, particularly to the general reader, to indicate the characteristics which distinguished the consular from the diplomatic mission. He added that that purpose could only be achieved if the two institutions were compared. If the Commission did not wish the explanatory comments to contain any reference to diplomatic missions, then it would be better to omit the entire section.

15. Mr. JIMÉNEZ de ARÉCHAGA agreed with Mr. ERIM that paragraphs 37 to 45 belonged more appropriately to a textbook on international law and proposed that they be omitted.

It was so agreed.

Draft articles on consular intercourse, and commentaries

Commentary to article 1 (Definitions)

16. Mr. ERIM asked that paragraph (7) should mention that some members of the Commission had been of the opinion that the definition of the members of the family of a member of the consulate should be expanded.

17. Mr. JIMÉNEZ de ARÉCHAGA, supporting Mr. ERIM, proposed that at the end of the third sentence the following passage should be added: "and also as to the scope of this definition, which several members found too narrow".

That amendment was adopted.

18. Mr. YASSEEN criticized the expression "small majority" in the last sentence of paragraph (7) and proposed that it be replaced by a statement of the vote which had taken place in the Commission.

19. Mr. ŽOUREK, Special Rapporteur, said he had no objection to the deletion of the expression in question, even though it was an accurate statement of fact.

20. Mr. LIANG, Secretary to the Commission, said that it would be out of line with the Commission's practice to give particulars of the vote in the report; usually, the decision was mentioned and, where necessary, reference was made to the relevant summary record. It would be hardly practicable to indicate throughout the report on what points opinion had been divided and to give particulars of the voting.

21. Sir Humphrey WALDOCK said that, since it was stated that opinion had been divided, it was essential in the interests of accuracy not to give the impression that the disagreement had ultimately been removed. It was therefore desirable to state that the Commission's decision had been reached by a majority, though the word "small" should be omitted.

It was so agreed.

The commentary to article 1 was adopted as amended.

Commentary to article 2 (Establishment of consular relations)

22. Mr. ERIM said he was unable to understand the precise purport of the last sentence of paragraph (4). He proposed that the sentence should be deleted.

It was so agreed.

23. Mr. AGO proposed that in the first sentence of paragraph (4) of the commentary to article 2 a reference to the "establishment" of diplomatic relations and of consular relations should be added and that the word "include" should be replaced by "imply," so as to bring the passage into line with the text of the article itself. The Special Rapporteur's personal view that diplomatic relations "included" consular relations was not shared by the Commission.

That amendment was adopted.

24. The CHAIRMAN suggested that paragraph (5) of the commentary should be deleted.

25. Mr. ŽOUREK, Special Rapporteur, said he had no objection.

It was agreed that paragraph (5) of the commentary to article 2 would be omitted.

26. Sir Humphrey WALDOCK said that the statement contained in the second sentence of paragraph (7) of the commentary went beyond the rule enunciated in the article itself. Nor did the third sentence reflect practice.

27. Mr. EDMONDS objected to the fourth and fifth sentences of the same paragraph, which carried a questionable argument yet further.

28. The CHAIRMAN, speaking as a member of the Commission, agreed with Sir Humphrey's criticism. He knew of no case of a consular section continuing to function after a diplomatic mission had been closed.

It was agreed to retain the first sentence in paragraph (7) and to delete the rest of the paragraph.

29. Mr. BARTOŠ criticized the second sentence in paragraph (8) as prejudging the decision as to whether consular relations would be maintained in the circumstances described. Furthermore, it was not appropriate in the context to discuss the question of the Security Council's competence.

30. Sir Humphrey WALDOCK said he would prefer the whole paragraph to be deleted as being too speculative.

It was agreed to delete paragraph (8).

The commentary to article 2 was adopted, as amended.

Commentary to article 2 bis (Exercise of consular functions)

31. Mr. AGO proposed the deletion of the second sentence in paragraph (1).

It was so agreed.

The commentary to article 2 bis was adopted, as amended.

Commentary to article 3 (Establishment of a consulate)

32. Mr. ERIM, referring to paragraph (4), which in the first sentence described the agreement for the establishment of a consulate as equivalent to an international treaty, questioned the statement in the last sentence that such an agreement could be denounced unilaterally.

33. The CHAIRMAN, speaking as a member of the Commission, expressed doubts about the accuracy of the whole paragraph. He very much doubted whether the agreement for the establishment of a consulate could be regarded as an international treaty; such an assertion was by no means confirmed by practice. He accordingly proposed that the whole paragraph be deleted.

34. Mr. ŽOUREK, Special Rapporteur, said that paragraph (4) had appeared in the commentary to article 3 in the draft adopted at the twelfth session (A/4425). Something should be said on the subject. He suggested that he should be authorized to modify and shorten the text.

It was so agreed.

35. Mr. JIMÉNEZ de ARÉCHAGA suggested that the order of paragraphs (5) and (6) should be reversed.

It was so agreed.

The commentary to article 3 was adopted as amended, subject to drafting changes.

Commentary to article 4 (Consular functions)

36. Mr. BARTOŠ, referring to paragraph (4), regretted the reference to "the majority" of governments which had sent in comments, for actually very few had commented.

37. Mr. ŽOUREK, Special Rapporteur, said that paragraph (4) contained a statement of fact which should be retained.

38. Mr. ERIM said that there was no need for the second sentence in paragraph (7). The third and fourth sentences could also be omitted.

39. Mr. ŽOUREK, Special Rapporteur, said that he had added the explanatory comment in order to forestall any misinterpretation of the expression "consular protection". There was some misconception about the nature and scope of the consular function of safeguarding the interests of the sending State and of its nationals; he had thought that some explanation was necessary.

40. Mr. AGO said that the Special Rapporteur appeared to have confused consular with diplomatic protection. Referring to the fourth sentence of paragraph (7), he said that, for example, a consul could take steps to protect interests even before they were prejudiced by violation of the municipal law of the receiving State or of international law. The whole subject was full of pitfalls and he suggested that only the first sentence in the paragraph should be retained.

41. Sir Humphrey WALDOCK agreed that the commentary was not the right context for a general disquisition on the law relating to the protection of interests. There was no need whatever to enter into such controversial matters.

42. Mr. BARTOŠ said that the statement in the fourth sentence of paragraph (7) was not consistent either with theory or with practice. Frequently consuls had to take measures to protect interests well before there was any prejudice.

43. Mr. AMADO found the second sentence of paragraph (7) wholly unacceptable: it was inconceivable that the authority of a consul could oust the jurisdiction of the receiving State, and there was no need to say so.

44. Mr. ŽOUREK, Special Rapporteur, contended that the second sentence ("It does not by any means imply that the authority of the consul can oust the jurisdiction of the receiving State") had some utility inasmuch as there had been cases where consuls had tried to encroach on functions vested in the receiving State. Nevertheless, he would agree to the deletion of the sentence.

45. The CHAIRMAN, speaking as a member of the Commission, suggested that the first sentence should be retained as well as the third sentence up to the words "the internal affairs of the receiving State" (subject to

drafting changes) and that the rest of paragraph (7) should be deleted.

46. Mr. PADILLA NERVO supported the Chairman's suggestion, and added that the commentary should be confined to matters dealt with in the articles themselves. The Commission would be ill-advised to broach controversial topics.

The Chairman's suggestion was adopted.

47. Mr. MATINE-DAFTARY said that paragraph (9) should mention that some members would have preferred the expression "legitimate interests".

48. Mr. AMADO considered that Mr. Matine-Daftary should be satisfied with the broad interpretation of the word "interests" given in the second sentence.

49. Mr. ŽOUREK, Special Rapporteur, suggested that he might redraft paragraph (9) so as to indicate that the Commission had chosen the word "interests" in order to conform with the language used in article 3 of the Vienna Convention, but that some members had preferred other expressions.

That suggestion was adopted.

50. Mr. JIMÉNEZ de ARÉCHAGA proposed that the opening phrase of paragraph (11) should be amended to read "The notarial functions are varied and may include, for example". Similarly the second sentence in paragraph (13) should read "They may include the following, for example".

51. Mr. ŽOUREK, Special Rapporteur, agreed to the proposal.

Those amendments were approved.

52. Mr. AGO doubted whether the functions referred to in paragraph (11)(e) were truly notarial.

53. Mr. BARTOŠ affirmed that they were notarial in some countries, e.g. Austria.

54. Mr. ŽOUREK, Special Rapporteur, explained that the examples mentioned in paragraph (11) did not necessarily reflect the practice of all countries; in order to speed up the discussion on the commentary, he suggested that sub-paragraph (e) be deleted.

It was so agreed.

55. Mr. JIMÉNEZ de ARÉCHAGA proposed that in paragraph (15) of the commentary the last four sentences should be omitted, for they seemed to add to the text of the article rather than comment upon it.

56. Mr. AGO supported that proposal. The passage in question entered into delicate questions of private international law which the Commission had not resolved.

57. The deletion of the last four sentences would necessitate a consequential drafting change in the third sentence of the paragraph, which would now become the final sentence (ending with the word "guardianship").

58. Mr. ŽOUREK, Special Rapporteur, accepted both proposals, though he regretted that as a consequence the essential explanation of the reason for giving the consul certain rights in the matter of the protection of minors and persons under a disability who were nationals of the

sending State would disappear from the commentary.

59. Mr. JIMÉNEZ de ARÉCHAGA proposed that in the second sentence of paragraph (17) the words: "it also means cases where a body corporate is exceptionally unable to find an agency to act on its behalf" should be omitted.

The proposal was adopted.

60. Mr. AGO proposed an amendment replacing in the first sentence of paragraph (18) the words: "by the Ministry of Foreign Affairs" by "by the authorities of the sending State". The documents under reference might be sent by another Ministry, e.g. the Ministry of Justice.

The amendment was adopted.

61. Mr. AGO requested an explanation of the use of the word *patron* in paragraph (23) of the commentary.

62. Mr. BARTOŠ explained that *patron* was an old-fashioned term meaning a person who was both the owner and captain of a small ship. Probably the intention had been to refer to the *armateur* (ship's manager).

63. He suggested that the Special Rapporteur should be asked to revise the passage in question and bring it into line with the language used in international conventions.

It was so agreed.

64. Mr. BARTOŠ proposed that, in paragraph (24) of the commentary, the word "arbitrator" be qualified by the words *ad hoc*.

It was so agreed.

The commentary to article 4 was adopted as amended, subject to drafting changes.

Commentary to article 5 (Exercise of consular functions in a third State)

65. Mr. JIMÉNEZ de ARÉCHAGA proposed that in the first sentence the words "for reasons of economy" should be omitted.

It was so agreed.

66. Mr. BARTOŠ proposed that the words "quite often" in the first sentence be replaced by "sometimes."

It was so agreed.

67. Mr. LIANG, Secretary to the Commission, said that the second sentence, to the effect that the consular district sometimes covered two or more States, needed clarification. The extent of a consular district was determined by the receiving State; in the case under reference a consulate exercised its functions in more than one receiving State.

68. Mr. ŽOUREK, Special Rapporteur, said that he would redraft that sentence along the following lines: "Sometimes the territory in which the consulate exercises its activities covers actually two or more States."

The commentary to article 5 was adopted as amended.

Commentary to article 6 (Exercise of consular functions on behalf of a third State)

69. Mr. AGO proposed that the expression "wishes to exercise consular functions" in the first sentence of

paragraph (1) of the commentary be replaced by "is also called upon to exercise".

70. Mr. ŽOUREK, Special Rapporteur, agreed to the amendment.

The amendment was approved.

The commentary to article 6 was adopted as amended.

Commentary to article 7 (Appointment and admission of heads of consular post)

71. In reply to a question by Sir Humphrey Waldoek, Mr. ŽOUREK, Special Rapporteur, said that paragraph (2) of the commentary — which, incidentally, had been approved at the twelfth session — referred to officials who had the title of consul but had not been appointed to serve abroad.

72. He thought that paragraph (2) was useful in order to explain the presence of article 7 in the draft.

73. Sir Humphrey WALDOCK proposed the deletion of paragraph (2). Article 7 dealt with the appointment and admission of heads of consular post; its provisions could not be said to be necessary merely in order to explain the exclusion from the scope of the draft articles of persons who were not consuls within the meaning of the draft.

74. Mr. LIANG, Secretary to the Commission, said that article 7 was fully supported by paragraph (1) of the commentary. That paragraph explained that, in order to have the status of head of consular post, a person must not only be appointed by the sending State as consul-general, consul, vice-consul or consular agent but must also be admitted to the exercise of his functions by the receiving State. A person who had not been admitted to the exercise of consular functions by a receiving State was certainly not a consul within the meaning of article 7.

75. Mr. YASSEEN agreed with the Secretary and supported the proposal to delete paragraph (2) as unnecessary.

76. The CHAIRMAN, speaking as a member of the Commission, supported the proposal to delete paragraph (2).

The proposal was adopted.

The commentary to article 7 was adopted as amended.

Commentary to article 8 (Classes of heads of consular post)

77. Mr. LIANG, Secretary to the Commission, suggested the deletion of the final words of paragraph (1) of the commentary: "thus doing for consular law what the Congress of Vienna did more than 140 years ago for diplomatic law". The analogy with the Congress of Vienna would be more with the future conference of plenipotentiaries which would examine the Commission's draft.

78. Mr. ŽOUREK, Special Rapporteur, agreed to delete the passage in question.

79. Mr. AGO proposed, in paragraph (5) of the commentary, that the expression "officials appointed *ad*

honorem, i.e. unpaid" be replaced by "honorary officials".

It was so agreed.

The commentary to article 8 was adopted as amended.
Commentary to article 9 (The consular commission)

The commentary to article 9 was adopted.

Commentary to article 10 (The exequatur)

80. Mr. AGO proposed that in paragraph (1) of the commentary the second sentence ("Accordingly, the exequatur invests the consulate with competence vis-a-vis the receiving State") should be omitted.

81. Mr. ŽOUREK, Special Rapporteur, accepted that amendment.

82. Sir Humphrey WALDOCK proposed that the next sentence of paragraph (1) be amended so as not to use the term "recognition". The sentence might be redrafted to read: "The same term also serves to describe the document by which the head of post is admitted to the exercise of his functions".

83. Mr. ŽOUREK, Special Rapporteur, accepted that amendment.

84. In reply to a question by Mr. ERIM, Mr. ŽOUREK, Special Rapporteur, explained that the "transcription" mentioned in paragraph (3) (c) referred to the practice of entering on the letters patent a statement to the effect that the exequatur had been granted.

85. Mr. PAL proposed that in the first sentence of paragraph (8) the adjective "foreign" should be omitted.

It was so agreed.

86. Mr. AGO said that paragraph (9) of the commentary had a connexion with the provision under which the receiving State could indicate that a person designated as consul was not acceptable even before he entered its territory. When the Commission came to consider the provision in question it would have to make it clear that, in the particular case, the receiving State did not have to communicate the reasons for its action. The position was similar to that envisaged in paragraph (9).

The commentary to article 10 was adopted as amended.

CHAPTER III (Other decisions and conclusions of the Commission) (A/CN.4/L.95/Add.2)

Section I (Law of treaties)

87. The CHAIRMAN, speaking as a member of the Commission, proposed that in paragraph 1 (ii) the words "on the understanding that he would have discretion as to the use of this work for his own proposals" should be omitted. Paragraph 1 (i) already implied that the Special Rapporteur on the law of treaties would have the necessary discretion in the matter.

The proposal was adopted.

88. Mr. LIANG, Secretary to the Commission, suggested that reference should be made to the Commission's decision to deal, at its next session, with the topic of the law of treaties.

89. The CHAIRMAN supported that suggestion and

proposed that a new sub-paragraph (i) should be added to cover the point, the existing sub-paragraphs being renumbered accordingly.

Section I, as so amended, was adopted.

Section II (Planning of the future work of the Commission)

90. The CHAIRMAN, speaking as a member of the Commission, proposed the deletion of paragraphs 5, 6 and 7. Those paragraphs attempted to give a summary of the discussion which had taken place in the Commission. A summary of that type, however well written, could not do justice to all the different views which had been expressed.

91. To his mind, it was quite sufficient to draw attention (as paragraph 3 in fact did) to the summary records of the Commission containing the full discussion on the question.

92. Mr. LIANG, Secretary to the Commission, said that, from the point of view of the Secretariat, the omission of paragraphs 5, 6 and 7 would be welcome. A summary of that type could never satisfy a meticulous reader and the best course was to draw attention to the summary records of the Commission's proceedings.

93. Mr. ŽOUREK, Special Rapporteur, supported the Chairman's proposal. It was very difficult to summarize briefly the discussion so as to reflect all the opinions expressed.

94. Mr. MATINE-DAFTARY and Mr. PAL supported the Chairman's proposal.

95. Mr. EDMONDS suggested that paragraph 7 might be retained. That paragraph referred to the manner in which the Commission worked and in view of what had been said in the Sixth Committee at the fifteenth session of the General Assembly, it was perhaps appropriate to point out that, in the codification and development of international law, the careful preparation of the drafts was more important than speed and that the experience of the Geneva Conferences on the Law of the Sea and of the Vienna Conference on Diplomatic Intercourse had shown that a thoroughly drafted basic text was indispensable to the successful outcome of a codification conference.

96. The CHAIRMAN said that a short paragraph of that type was inadequate for the purpose. The Commission had given a much fuller explanation on the subject in the report on its tenth session (A/3859, chapter V, paragraphs 68 and 69).

97. Mr. AGO accepted with regret the deletion of paragraphs 5, 6 and 7, which constituted a carefully prepared summary of the discussion in the Commission. The summary had brought out adequately the salient points calling for the attention of the Sixth Committee.

98. Sir Humphrey WALDOCK said that, though he would have preferred the inclusion of a summary of the Commission's discussion, he would accept the solution of drawing attention to the summary records of the Commission.

99. However, he suggested that the substance of paragraph 4 should be inserted before the last sentence of paragraph 3.

100. Mr. LIANG, Secretary to the Commission, said that the idea contained in paragraph 4 could conveniently be incorporated into the second sentence of paragraph 3.

101. The CHAIRMAN said that Sir Humphrey Waldock's suggestion, as formulated by the Secretary, would improve the text resulting from the deletion of paragraphs 5, 6 and 7. He therefore amended his proposal accordingly.

The Chairman's proposal was adopted.

102. Sir Humphrey WALDOCK suggested that reference be made to the Commission's understanding that the Chairman would present its views on the matter to the Sixth Committee (616th meeting, paras. 38 and 39).

103. The CHAIRMAN said that Sir Humphrey Waldock's point was implicit in the decision to appoint him (the Chairman) to represent the Commission at the next session of the General Assembly.

Section II, as amended, was adopted.

Section III (Co-operation with other bodies)

Section III was adopted.

Section IV (Date and place of the next session)

Section IV was adopted.

Section V (Representation at the sixteenth session of the General Assembly)

Section V was adopted.

The meeting rose at 1 p.m.

626th MEETING

Thursday, 6 July 1961, at 9.30 a.m.

Chairman; Mr. Grigory I. TUNKIN

Consideration of the Commission's draft report covering the work of its thirteenth session (A/CN.4/L. 95/Add. 1) (continued)

CHAPTER II (Consular intercourse and immunities) (continued)

1. The CHAIRMAN invited the Commission to continue its consideration of the commentaries in chapter II of the draft report.

Commentary to article 11 (Modes of appointment and admission)

The commentary to article 11 was adopted.

Commentary to article 12 (Provisional recognition)

The commentary to article 12 was adopted.

Commentary to article 13 (Obligation to notify the authorities of the consular district)

2. Mr. JIMÉNEZ de ARÉCHAGA proposed that the second sentence of paragraph (2) of the commentary