

Document:-  
**A/CN.4/SR.626**

**Summary record of the 626th meeting**

Topic:  
**Other topics**

Extract from the Yearbook of the International Law Commission:-  
**1961 , vol. I**

*Downloaded from the web site of the International Law Commission  
(<http://www.un.org/law/ilc/index.htm>)*

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 Wal-dock'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 Wal-dock'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

be replaced by the second sentence of paragraph (2) of the 1960 commentary to article 15 (A/4425).

3. The CHAIRMAN, speaking as a member of the Commission, said that the idea expressed in the sentence under discussion was so obvious as to be hardly worth stating.

4. Mr. AGO proposed the deletion of the second sentence of paragraph (2).

*It was so agreed.*

*The commentary to article 13 was adopted as amended.*

*Commentary to article 14* (Temporary exercise of

the functions of head of consular post)

5. Mr. AGO proposed that the last two sentences of paragraph (3) should be re-drafted so as to express more correctly the intended idea, along the following lines:

“Since the function of acting head of post is of necessity temporary, and in order that the work of the consulate should not suffer any interruption, the appointment of the acting head of post is not subject to the procedure governing admission. However, the sending State has the duty to notify the name of the acting head of post to the receiving State in advance in all cases where that is possible.”

6. The CHAIRMAN suggested that the principle of Mr. Ago's proposal be adopted and the Special Rapporteur should be asked to redraft the sentences in question accordingly.

*It was so agreed.*

7. Mr. JIMÉNEZ de ARÉCHAGA proposed the deletion of the second sentence of paragraph (7), concerning the right of the consulate to fly the national flag on its vehicles.

8. Mr. ŽOUREK, Special Rapporteur, explained that he had added the sentence because one government had raised the question in its comments. Nevertheless, he did not object to its deletion.

*It was agreed that the sentence in question should be omitted.*

*The commentary to article 14 was adopted as amended, subject to drafting changes.*

*Commentary to article 15* (Precedence)

9. Mr. JIMÉNEZ de ARÉCHAGA proposed the deletion of the second sentence of paragraph (2): “This question is dealt with in chapter III of the present draft.”

10. Mr. ŽOUREK, Special Rapporteur, accepted the proposal.

*It was agreed that the sentence in question should be omitted.*

*The commentary to article 15 was adopted as amended.*

*Commentary to article 16* (Performance of diplomatic acts by a head of consular post)

11. Mr. JIMÉNEZ de ARÉCHAGA proposed the deletion of paragraph (7) which stated that the article codified existing practice and answered genuine needs of international life.

12. The CHAIRMAN, speaking as a member of the Commission, supported that proposal.

13. Mr. ŽOUREK, Special Rapporteur, agreed to the deletion of the sentence in question.

*The proposal was adopted.*

*The commentary to article 16 was adopted as amended.*

*Commentary to article 17* (Appointment of the same person by two or more States as head of a consular post)

14. Mr. JIMÉNEZ de ARÉCHAGA proposed that, in paragraph (1), the words “the head of consular post is a representative” be replaced by “the head of consular post is an organ”.

15. Mr. ŽOUREK, Special Rapporteur, accepted the proposal.

*The amendment was approved.*

16. Sir Humphrey WALDOCK said that the first sentence of paragraph (2) was too sweeping: he was not at all certain that the article represented an innovation and could therefore “be regarded as a proposal *de lege ferenda*”.

17. Mr. AGO proposed that the sentence in question should be amended so as to state that the article represented something of an innovation in consular law, eliminating the reference to “*de lege ferenda*”. He further proposed that, in the third sentence of paragraph (2), the words “diametrically opposed interests” be replaced by “different interests”.

*Mr. Ago's proposal was adopted.*

*The commentary to article 17 was adopted as amended.*

*Commentary to article 18* (Appointment of consular staff)

18. Mr. JIMÉNEZ de ARÉCHAGA proposed that the second sentence of paragraph (1) of the commentary should be revised. It was not quite correct to state that the consul could not discharge his many duties without the help of assistants. The sentence should be redrafted along the following lines: “In most cases, the consul cannot discharge the many tasks . . .” The words “The issue of the exequatur to the head of consular post is not enough to ensure the smooth operation of the consulate,” which appeared at the beginning of the sentence, would be omitted.

19. Mr. ŽOUREK, Special Rapporteur, pointed out that the passage in question was taken from the commentary approved by the Commission at its twelfth session. In his opinion, the consul invariably needed the assistance of at least one other member of the consular staff.

*It was agreed that the commentary should be amended in the manner proposed by Mr. Jiménez de Aréchaga.*

20. Mr. JIMÉNEZ de ARÉCHAGA proposed the deletion of the last five sentences of paragraph (7) of the commentary, beginning with “This is an optional and supplementary measure, which is not required by international law”. The explanations given in that passage were an unnecessary elaboration.

21. Sir Humphrey WALDOCK supported that proposal. He did not think that the outside reader would appreciate what was intended by the five sentences in question.

*The proposal was adopted.*

*The commentary to article 18 was adopted as amended.*

*Commentary to article 19 (Size of the staff)*

22. Mr. JIMÉNEZ de ARÉCHAGA proposed the deletion of the second sentence of paragraph (1) of the commentary. That sentence reproduced a passage of the commentary in the 1960 report and referred to a discussion at the twelfth session; its inclusion was not appropriate in the 1961 text.

23. Mr. ŽOUREK, Special Rapporteur, while pointing out that the passage in question was an accurate statement of fact, said he would agree to the proposed amendment.

*The proposal was adopted.*

24. Mr. AGO said that it was not quite correct to state, as did paragraph (2) of the commentary, that the receiving State was competent to settle the question of the size of the staff. He suggested that the particular passage should be replaced by a reference to the receiving State's right to raise the question of the size of the staff.

25. Mr. ŽOUREK, Special Rapporteur, said that the passage reproduced the interpretation placed on the provision at the twelfth session. Personally, he was not averse to Mr. Ago's proposal.

*It was agreed to amend the passage in the manner proposed by Mr. Ago.*

26. Mr. JIMÉNEZ de ARÉCHAGA proposed that in paragraph (3) of the commentary the words "in the opinion of most members of the Commission" should be replaced by "in the opinion of the majority of the Commission".

27. Mr. ŽOUREK, Special Rapporteur, accepted the proposal.

*The proposal was adopted.*

28. Mr. JIMÉNEZ de ARÉCHAGA proposed that the fourth sentence of paragraph (4) should be amended to read: "The Commission has preferred this formulation to that used in article 11, paragraph 1, of the Vienna Convention of 1961, considering that it would better provide objective criteria for settling possible divergences of views between the two States concerned."

*It was so agreed.*

*The commentary to article 19, as amended, was adopted.*

*Commentary to article 20 (Order of precedence as between the officials of a consulate)*

*The commentary to article 20 was adopted.*

*Commentary to article 21 (Appointment of nationals of the receiving State)*

29. Mr. JIMÉNEZ de ARÉCHAGA proposed the deletion, in paragraph (2), of the last part of the first sentence reading "for in such cases the duties of a

consular official towards the sending State may conflict with his duties as a citizen of the receiving State."

30. The receiving State might have other reasons for not wishing its national to take up such an appointment: for example, it might not wish to extend to him certain privileges.

31. Mr. ŽOUREK, Special Rapporteur, agreed to the deletion of the passage in question.

*The proposal was adopted.*

32. Mr. AGO proposed the deletion of the last sentence of paragraph (2) reading "The text did not require the receiving State's consent to the appointment to a consulate of nationals of a third State."

33. The question of nationals of a third State appointed to a consulate was fully explained in paragraph (3) of the commentary.

34. Mr. ŽOUREK, Special Rapporteur, agreed to the proposed deletion.

*Mr. Ago's proposal was adopted.*

35. Mr. JIMÉNEZ de ARÉCHAGA proposed that the last sentence of paragraph (3) should be revised.

36. The CHAIRMAN suggested that the Special Rapporteur be asked to reformulate that sentence.

*It was so agreed.*

*The commentary to article 21 was adopted as amended.*

*Commentary to article 22 (Withdrawal of exequatur)*

37. Sir Humphrey WALDOCK pointed out that paragraph (4) broke the continuity of the commentary. It referred to the possibility of discussions for the purpose of settling the question of the recall of the person concerned before resorting to the action mentioned in article 22. He proposed the deletion of paragraph (4); the Commission was concerned with the rights of States rather than with the possibility of certain diplomatic steps, which were always possible.

38. Mr. ŽOUREK, Special Rapporteur, explained that the object of paragraph (4) was to point out that governments had no need to go to the length of withdrawing the exequatur in the circumstances contemplated by article 22 but could simply ask the sending State to recall the consular official or employee concerned. The withdrawal of the exequatur was always a spectacular step which attracted public notice and which might worsen the relations between the two states.

39. Mr. AGO supported the proposal to delete paragraph (4) which referred to unofficial discussions — a matter with which it was unnecessary to deal in the commentary. Moreover, the placing of paragraph (4) created an ambiguity and was likely to lead to misinterpretation. At first sight, it appeared to be actually in conflict with the terms of article 22 until it was realized that it referred to the possibility of unofficial action in lieu of the exercise of the rights envisaged in the article itself.

40. Mr. ŽOUREK, Special Rapporteur, said that paragraph (4) if read in the context of the commentary, was hardly open to misconstruction. Nevertheless, he would not press for its retention.

*The proposal for the deletion of paragraph (4) was adopted.*

*The commentary to article 22, as amended, was adopted.*

*Commentary to article 23* (Notification of the appointment, arrival and departure of members of the consulate, members of their families and members of the private staff)

41. Mr. ERIM said that throughout the text of the commentary the words "belonging to the household" should be added after the words "members of the families".

42. Mr. AGO proposed that, in paragraph (2), the words "the receiving State has, in effect an interest in knowing at all times what persons belong to the consulate of the sending State..." be replaced by a reference to the interest of both States in knowing what persons belonged to the consulate.

43. Mr. ŽOUREK, Special Rapporteur, concurred with these proposals.

*The proposed amendments were approved.*

44. Mr. AGO proposed the deletion of paragraph (5) of the commentary. He was not at all certain that the obligation stipulated in the article was a counterpart of the exemption from aliens registrations and residence permits.

45. Mr. ŽOUREK, Special Rapporteur, said that the obligation in question did in fact constitute a counterpart to the immunity under the later article which provided for the exemption of members of the consulate, members of their families and their private staff from the duty, under the law of the receiving state, to register as aliens and obtain residence permits. Nevertheless, he would not wish to reopen the debate at that stage and accordingly agreed to the deletion of the passage in question.

*Mr. Ago's proposal was adopted.*

*The commentary to article 23 was adopted, as amended, subject to drafting changes.*

*Commentary to article 24* (Different modes of terminating the function of a member of the consulate)

*The commentary to article 24 was adopted.*

*Commentary to article 25* (Facilitation of departure)

46. Mr. François criticized paragraph (2) of the commentary, which seemed to suggest that the main issue was that of giving the consul time to make arrangements for his departure. In fact, the real intention was that the consul's departure should not be unduly delayed.

47. Mr. AGO agreed and proposed that paragraphs (2) and (3) of the commentary be combined so as to state that article 25 corresponded to article 44 of the Vienna Convention and that the expression "at the earliest possible moment" meant that the departure should not be delayed and also that the receiving State should give the persons concerned the necessary time to make the arrangements for their departure.

48. Mr. ŽOUREK, Special Rapporteur, agreed to the amendment of the commentary in the manner proposed.

*It was agreed that the commentary should be amended in the manner proposed.*

*The commentary to article 25 was adopted as amended, subject to drafting changes.*

*Commentary to article 26* (Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances)

*The commentary to article 26 was adopted.*

*Commentary to article 27* (Use of the national flag and of the state coat of arms)

49. The CHAIRMAN, speaking as a member of the Commission, proposed the deletion of the second sentence in paragraph (3) of the 1960 commentary (intended to be reproduced in the new commentary); that sentence was much too sweeping.

50. Mr. ŽOUREK, Special Rapporteur, said he had no objection to the deletion of the sentence in question.

*The proposal was adopted.*

51. Sir Humphrey WALDOCK proposed the deletion of paragraph (7) of the commentary (1960), which contained a lengthy explanation of the 1960 discussion.

52. Mr. ŽOUREK, the Special Rapporteur, agreed to the deletion of paragraph (7).

*The commentary to article 27 was adopted, as amended.*

*Commentary to article 28* (Accommodation)

53. Mr. ŽOUREK, Special Rapporteur, said that in view of the decision taken on the article (618th meeting, paras. 109-119) the last sentence in paragraph (1) of the 1960 commentary should be deleted.

54. Mr. LIANG, Secretary to the Commission, referring to the amendment proposed by the Special Rapporteur in paragraph (1) suggested that the original expression "internal law" was more appropriate than "laws," as being limited in scope.

55. Mr. PAL said that the commentary would have to be consistent with the new text of article 28 which referred to the "laws" of the receiving State.

56. Mr. ŽOUREK, Special Rapporteur, said that in any event the word "laws" should be interpreted as meaning both statute law and regulations made pursuant thereto.

57. The CHAIRMAN observed that the Commission had followed the wording of article 21 of the Vienna Convention. He subscribed to the interpretation given by the Special Rapporteur.

58. Mr. AGO proposed that article 28, paragraph 1, should be amended by the replacement of the word "laws" by the words "municipal law". A corresponding amendment would then have to be made in paragraph (1) of the commentary.

*It was so agreed.*

59. Mr. TSURUOKA proposed the deletion of the words "in whose territory there are a large number of consulates" in paragraph (2); there could be other reasons for not imposing too heavy a burden on States.

60. Mr. ŽOUREK, Special Rapporteur, agreed to Mr. Tsuruoka's amendment.

*The amendment was approved.*

*The commentary to article 28 was adopted as amended.*

*Commentary to article 29 (Inviolability of the consular premises)*

61. Mr. AGO doubted whether it was necessary to retain paragraph (5) of the 1960 commentary, for measures of execution against a private owner of premises leased to the consulate did not concern the consulate.

62. Mr. ŽOUREK, Special Rapporteur, pointed out that if the premises had been leased to a consulate furnished, measures of execution might necessitate entry, and such entry would constitute a breach of the inviolability of the consular premises. He suggested that the paragraph in question might be redrafted so as to indicate that such entry would not be permissible.

*It was so agreed.*

63. Mr. JIMÉNEZ de ARÉCHAGA proposed the deletion of the words "in particular those concluded by Great Britain" in paragraph (6): there was no reason for making special mention of those conventions.

*It was so agreed.*

*The commentary to article 29 was adopted as amended, subject to drafting changes.*

*Commentary to article 30 (Exemption from taxation of consular premises)*

*The commentary to article 30 was adopted.*

*Commentary to article 31 (Inviolability of the consular archives and documents)*

*The commentary to article 31 was adopted.*

*Commentary to article 32 (Facilities for the work of the consulate)*

*The commentary to article 32 was adopted.*

*Commentary to article 33 (Freedom of movement)*

64. Mr. JIMÉNEZ de ARÉCHAGA said that in view of the decisions reached at the current session the first two sentences in the 1960 commentary were no longer appropriate and should be deleted.

65. The CHAIRMAN, speaking as a member of the Commission, proposed that the commentary should consist simply of a reference to the corresponding article in the Vienna Convention.

66. Mr. ŽOUREK, Special Rapporteur, endorsed the Chairman's proposal.

*The proposal was approved.*

*The commentary to article 33 was adopted as amended.*

*Commentary to article 34 (Freedom of communication)*

67. Mr. AGO proposed the insertion in the commentary of a separate paragraph concerning the inviolability of official correspondence.

*It was so agreed.*

68. Sir Humphrey WALDOCK proposed the deletion

of the last two sentences in paragraph (6) of the 1960 commentary, which was unnecessarily detailed.

69. Mr. ŽOUREK, Special Rapporteur, said he did not object to the proposal.

*The proposal was approved.*

*The commentary to article 34 was adopted as amended.*

*Commentary to article 35 (Communication and contact with nationals of the sending State)*

70. Mr. AGO said that there was no need for a special comment on the expression "without undue delay" since, under paragraph 1(b) of the article, even if a person was held *incomunicado* the authorities of the receiving State were still bound to notify the consulate of his detention.

71. Mr. ŽOUREK, Special Rapporteur, pointed out that paragraph 1(b) of the article was also concerned with cases where the authorities of the receiving State might be unwilling, so as not to put accomplices on guard, to disclose immediately the arrest of a person involved in a serious criminal case implicating a whole group of persons (e.g. a drug trafficking case). The words "without undue delay" were applicable to such cases and were fully justified.

72. Mr. BARTOŠ argued that an arrest must always be notified, even if the person was held *incomunicado*, so that the consulate could immediately take steps to arrange for his defence. If human rights meant anything, they meant that a person must be presumed innocent until he had been tried and convicted.

73. The CHAIRMAN, speaking as a member of the Commission, said that in the circumstances mentioned by the Special Rapporteur the authorities of the receiving State would certainly not wish to notify the consulate at once, for otherwise the task of the police would be made far more difficult.

*The commentary to article 35 was adopted.*

*Commentary to article 36 (Obligations of the receiving State in certain special cases)*

74. Mr. JIMÉNEZ de ARÉCHAGA proposed the deletion of the words "for example in a river or lake" in paragraph (3) as proposed by the Special Rapporteur.

*It was so agreed.*

*The commentary to article 36 was adopted as amended.*

*Commentary to article 37 (Communication with the authorities of the receiving State)*

75. Mr. LIANG, Secretary to the Commission, referring to paragraph (4), suggested that the word "domestic" might be omitted.

76. Mr. ŽOUREK, Special Rapporteur, explained that it was important to indicate that the sentence referred to the usage of the receiving State and not to international usage. He suggested that the language of the article itself should be used, viz. "the municipal law and usage".

*It was so agreed.*

*The commentary to article 37 was adopted as amended, subject to drafting changes.*

*Commentary to article 38 (Levy of consular fees and charges and exemption of such fees and charges from taxes and dues)*

77. Mr. JIMÉNEZ de ARÉCHAGA suggested that the fourth and fifth sentences in paragraph (1) of the 1960 commentary should be retained, the reference to article 4 being replaced by a reference to article 55 in conformity with the action taken at the current session.

*It was so agreed.*

78. Mr. JIMÉNEZ de ARÉCHAGA considered that the statement made in the first sentence of paragraph (2) of the 1960 commentary went too far and should be deleted.

*It was so agreed.*

*The commentary to article 38 was adopted as amended.*

*Commentary to article 39 (Special protection and respect due to consular officials)*

79. Mr. JIMÉNEZ de ARÉCHAGA proposed that paragraph (3) of the 1960 commentary should be amended to refer to "appropriate" instead of "reasonable" steps, in keeping with the wording of the article itself.

80. Mr. ŽOUREK, Special Rapporteur, accepted the proposed amendment.

*The amendment was approved.*

*The commentary to article 39 was adopted as amended.*

*Commentary to article 40 (Personal inviolability of consular officials)*

81. Sir Humphrey WALDOCK pointed out that the new text adopted for article 40 did not make it clear that the provision did not apply to nationals of the receiving State. It was therefore necessary to insert the appropriate explanation in the commentary.

82. Mr. ŽOUREK, Special Rapporteur, agreed to the addition of such an explanatory remark.

*The commentary to article 40 was adopted, subject to the addition of that explanation.*

#### **Statement by the Secretary concerning the control and limitation of documentation**

83. Mr. LIANG, Secretary to the Commission, said that he had been instructed by the Secretary-General to bring to the Commission's attention the General Assembly's injunction to exercise vigilance in regard to the volume of documentation. Members would be aware that it was customary for the Secretariat at each session to recall the terms of General Assembly resolution 1272 (XIII) on that subject. The matter did not present any particular problems for the Commission itself.

*The Commission took note of the Secretary's statement.*

The meeting rose at 1.15 p.m.

## 627th MEETING

Friday, 7 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, Add.1/Corr.1 and Add. 2)**

(concluded)

#### CHAPTER II (Consular intercourse and immunities)

1. The CHAIRMAN invited the Commission to continue its consideration of chapter II of the draft report (A/CN.4/L.95/Add.1 and Add.1/Corr.1).

*Commentary to article 41 (Duty to notify in the event of arrest, detention pending trial or the institution of criminal proceedings)*

*The commentary to article 41 was adopted subject to drafting changes.*

*Commentary to article 42 (Immunity from jurisdiction)*

*The commentary to article 42 was adopted.*

*Commentary to article 43 (Liability to give evidence)*

2. Sir Humphrey WALDOCK, referring to paragraph (1) of the commentary, proposed that the words "or any other penalty" should be replaced by "and no penalty", for the expression "coercive measures" meant measures other than a penalty.

3. Mr. ŽOUREK, Special Rapporteur, agreed with the proposed amendment.

*The amendment was adopted.*

4. Sir Humphrey WALDOCK proposed that paragraph (4) should read: "...; the similar rules governing honorary consular officials are contained in articles 54 and 60 of the present draft".

5. Mr. ŽOUREK, Special Rapporteur, accepted the amendment.

*The commentary to article 43 was adopted as so amended.*

*Commentary to article 44 (Exemption from obligations in the matter of registration of aliens and residence and work permits)*

6. Mr. JIMÉNEZ de ARÉCHAGA proposed that the last sentence in paragraph (2) of the 1960 commentary should be restored.

7. Mr. ŽOUREK, Special Rapporteur, supported the proposal for inasmuch as the Commission had not added a provision concerning special cards to be issued to members of the consulate and their families the 1960 comment had to be restored.

*The proposal was approved.*