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viso " Unless the receiving State objects " made adequate provision for the consent of the receiving State, and the United Kingdom proposal was therefore consistent with both the letter and the spirit of articles 2 and 4.

79. He felt that a distinction should be drawn between the case of two States which had direct consular relations, covered by article 2, and the case dealt with in article 7. In the latter case, the third State did not have consular relations with the receiving State and could only solve the practical problems involved through a State which did entertain consular relations with the receiving State concerned.

80. Miss ROESAD (Indonesia) expressed his support for the Commission's draft of article 7. Requirement of the prior consent of the receiving State would give that State enough time to notify its own authorities that consular relations would be exercised by the consulate on behalf of the third State. It would also give the receiving State time to decide whether it wished to allow the consulate so to act.

81. Mr. KRISHNA RAO (India) endorsed the Greek representative's reasons for opposing the United Kingdom amendment. He suggested, however, that the words " and by virtue of an agreement by the sending State and a third State " be deleted from article 7. That was necessary because the nature of the arrangements between the third State and the sending State was not relevant to the matter dealt with in article 7. Requirement of the prior consent of the receiving State should be retained, however, for the sake of consistency with article 2, which laid down that the establishment of consular relations between States took place by mutual consent.

82. Mr. WESTRUP (Sweden) said that his delegation could support the United Kingdom amendment with the sub-amendment proposed by the delegation of the Federal Republic of Germany. It could also support the formulation suggested by the representative of India.

83. Mr. ABDELMAGID (United Arab Republic) supported the United Kingdom amendment, with the proposed sub-amendment. In the United Arab Republic, United Kingdom consulates conducted consular affairs on behalf of New Zealand. When a new country was added to the Commonwealth, United Kingdom consulates also acted on behalf of that country. In a situation of that type, the least that could be asked was that the Ministry for Foreign Affairs of the United Arab Republic should be informed of the name of the new country on behalf of which the United Kingdom consulates were to act.

84. From a purely legal point of view, the arguments put forward by the representatives of Greece and Tunisia were correct, but he thought that an unduly legalistic approach should not be adopted in the matter and that the United Kingdom amendment, with the sub-amendment, should be accepted as conforming with existing practice.

85. Mr. ENDEMANN (South Africa) supported the United Kingdom amendment, with the sub-amendment. He thought it would be possible to cover arrangements between Commonwealth countries by referring to " an understanding " rather than " an agreement " between the sending State and the third State.

86. Mr. de ERICE y O'SHEA (Spain) supported the Indian suggestion. It was essential to require the consent of the sending State; the least that that State could ask was a notification to its Ministry for Foreign Affairs. He stressed that the future convention would not be applied at the level of embassies and governments; it would be applied by consulates in their relations with local authorities. It was therefore necessary that the Ministry of Foreign Affairs of the receiving State should be informed, so that it could in its turn inform the local authorities concerned that the consulate would exercise consular functions on behalf of a third State. The formulation suggested by the Indian representative should serve to preserve existing Commonwealth arrangements and he urged the United Kingdom representative to accept that suggestion.

The meeting rose at 1.30 p.m.

NINTH MEETING

Monday, 11 March 1963, at 3.10 p.m.

Chairman: Mr. BARNES (Liberia)

Consideration of the draft articles on consular relations adopted by the International Law Commission at its thirteenth session (A/CONF.25/6) (*continued*)

Article 7 (Exercise of consular functions on behalf of a third State) (*continued*)

1. Mr. KRISHNA RAO (India) read out an oral amendment, submitted by his delegation jointly with that of Greece, for changing article 7 to read: " A consulate may exercise in the receiving State consular functions of behalf of a third State with the express consent of the receiving State."

2. The CHAIRMAN announced that the United Kingdom amendment (A/CONF.25/C.1/L.62) had been withdrawn. He drew attention to another amendment, submitted jointly by the United Kingdom and the Federal Republic of Germany (A/CONF.25/C.1/L.79). Since the latter was the furthest removed from the original proposal, it would be put to the vote first.

3. Mr. PETRŽELKA (Czechoslovakia) said that he would vote for the amendment submitted jointly by the United Kingdom and the Federal Republic of Germany; if that amendment should not be adopted, he would vote for the oral amendment submitted by India provided that its sponsor consented to omit the word " express ".

4. The CHAIRMAN put to the vote the amendment (L.79) submitted jointly by the United Kingdom and the Federal Republic of Germany.

The amendment was adopted by 25 votes to 19, with 21 abstentions.

5. The CHAIRMAN said that, in view of that decision, there was no need to put the oral Indian amendment to the vote.

Article 5 (Consular functions) *(continued)*[1]

6. Mr. SILVEIRA-BARRIOS (Venezuela) said that he supported a general definition of consular functions.

7. The CHAIRMAN said that the list of speakers on the preliminary question of principle concerning article 5 was closed, and invited the Committee to decide whether article 5 should consist of a general definition of consular functions.

At the request of the representative of Indonesia, a vote was taken by roll-call.

The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: United States of America, Australia, Belgium, Brazil, Canada, Chile, China, El Salvador, Federal Republic of Germany, Finland, France, Greece, Ireland, Israel, Laos, Luxembourg, Netherlands, New Zealand, Peru, Republic of Korea, Rwanda, South Africa, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

Against: Upper Volta, Venezuela, Yugoslavia, Algeria, Austria, Bulgaria, Byrlorussian Soviet Socialist Republic, Ceylon, Congo (Brazzaville), Costa Rica, Cuba, Czechoslovakia, Denmark, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Iran, Italy, Liberia, Libya, Liechtenstein, Mali, Mexico, Mongolia, Morocco, Norway, Philippines, Poland, Portugal, Romania, Saudi Arabia, Sierra Leone, Switzerland, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic.

Abstaining: Republic of Viet-Nam, Argentina, Cambodia, Colombia, Congo (Leopoldville), Holy See, Japan, Nigeria.

The principle of a general definition of consular functions was rejected by 42 votes to 26, with 8 abstentions.

8. Mr. RUDA (Argentina) explained that he had abstained from voting because he favoured an intermediary solution, in which a list would have been given of the many functions normally exercised by consulates.

9. Mr. MAMELI (Italy) said that the oral amendment submitted by his delegation at the 7th meeting [2] related to the International Law Commission's text and not to the amendment submitted jointly by the delegations of Canada and the Netherlands (L.39).

10. The CHAIRMAN suggested that the Committee should consider all the amendments to article 5 which had been submitted instead of taking each sub-paragraph separately.

11. Mr. BARTOŠ (Yugoslavia) said that such a procedure would only lead to confusion on account of the large number of amendments proposed to article 5 Each sub-paragraph should be considered separately together with the relevant amendments.

12. Mr. von HAEFTEN (Federal Republic of Germany) suggested that the Committee take as a basis for discussion the synoptic table of amendments to article 5 (A/CONF.25/C.1/L.77) prepared by the Secretariat.

13. Mr. CAMERON (United States of America) said that it would be better to consider article 5 sub-paragraph by sub-paragraph and to defer voting on the sub-paragraphs until the Committee had finished its discussion of the article.

14. Mr. de MENTHON (France), supported by Mr. RABASA (Mexico), Mr. MABAMBIO (Chile), Mr. DADZIE (Ghana), Mr. GUNEWARDENE (Ceylon) and Mr. MAHOUATA (Congo, Brazzaville), proposed that the Commission should vote successively on the individual sub-paragraphs.

15. Mr. CAMERON (United States of America) said that he would not press his proposal, but thought that the Commission should take only a provisional decision on each sub-paragraph.

Introductory sentence

16. The CHAIRMAN drew attention to three amendments relating to the introductory sentence by Switzerland (L.16), Austria (L.26) and Norway (L.63).

17. Mr. BINDSCHEDLER (Switzerland) said that the Swiss delegation would withdraw its amendment to the introductory sentence, and would support the amendments to sub-paragraphs (*f*), (*g*) and (*i*). Many States prohibited the exercise of the functions mentioned in those sub-paragraphs.

18. Mr. SILVEIRA-BARRIOS (Venezuela) said that the Austrian amendment (L.26) did not affect either the Spanish or the French text.

19. Mr. KIRCHSCHLAEGER (Austria) explained that the purpose of his delegation's amendment was to replace the words " more especially " in the English text by the words " *inter alia* ", which were used in article 3 of the Vienna Convention on Diplomatic Relations, 1961.

20. Mr. HEPPEL (United Kingdom) agreed with the representative of Austria. He pointed out that in the 1961 Convention the expression " *inter alia* " in the English text corresponded to the work " notamment " in the French text. He thought, moreover, that the word " ordinarily " should be inserted in the introductory sentence.

21. Mr. PALIERAKIS (Greece) likewise supported the Austrian amendment.

22. Mr. de ERICE y O'SHEA (Spain), while supporting the Austrian delegation's amendments, nevertheless pointed out that the French word " notamment " did not quite correspond to the expression " *inter alia* ", which should rather be translated by " entre autres " in French,

[1] For a list of the amendments submitted, see seventh meeting, footnote to paragraph 3, and eighth meeting, footnote to paragraph 2.

[2] See the summary record of the seventh meeting, para. 52.

and " among others " in English; " notamment " would correspond rather to " more especially ".

23. Mr. SILVEIRA-BARRIOS (Venezuela) said that the Austrian amendment would introduce into the convention on consular relations the formula used in the English text of the Convention on Diplomatic Relations; but that formula did not appear in either the Spanish or the French text. It might give rise to difficulties if different expressions were used in two versions of one and the same text. For that reason, he did not see why the text should contain an expression which had been accepted for the English but not for the Spanish text of the 1961 Convention.

24. Mr. SOLHEIM (Norway) pointed out that his delegation's amendment (L.63) was indentical with the Austrian amendment. The arguments in favour of that amendment had already been explained by other delegations. The proposed change was an exceedingly small one, but he thought it would improve the text.

25. He considered that it would be unnecessary to insert the word " ordinarily " in the text, since certain functions mentioned in sub-paragraph 1 of the International Law Commission's draft — for instance, assistance to vessels, ships and aircraft — were not exercised in all consular districts.

26. Mr. RABASA (Mexico) supported the views of the representative of Venezuela. The word " principalmente ", which was used in the Convention on Diplomatic Relations, should be retained in the Spanish text.

27. Mr. RUDA (Argentina) agreed. In 1961, the Spanish-speaking countries had chosen the word " principalmente " in its true meaning, to indicate the most important functions. " Principalmente " and " *inter alia* " did not have the same meaning in Spanish. The Committee should follow the precedent of 1961. He would therefore vote in favour of the original text of the International Law Commission.

28. Mr. PETRŽELKA (Czechoslovakia) opposed the addition of the word " ordinarily " as proposed by the United Kingdom representative. That word had a restrictive meaning and would not permit the subsequent development of consular functions. Actually, only a drafting point was involved, which should be referred to the drafting committee.

29. Mr. MAMELI (Italy) agreed with the Spanish representative. The Austrian amendment was almost identical with the Italian oral amendment. Nevertheless, he was willing to co-operate by accepting either of these expressions; the two ideas were not contradictory.

30. Mr. de MENTHON (France) said that he would prefer the word " notamment " in the French text, as it already appeared in the Convention on Diplomatic Relations, and was in keeping with a detailed list such as that contained in article 5.

31. Mr. von HAEFTEN (Federal Republic of Germany) said that the Austrian amendment affected only the English text, not the French or the Spanish. The Norwegian amendment merely involved a question of drafting. He agreed with the representative of Czechoslovakia, and proposed that the Austrian and Norwegian amendments should be referred to the drafting committee.

32. Miss ROESAD (Indonesia) said that " *inter alia* " had a different meaning from " more especially "; her delegation would prefer the former of the two expressions. In any case, she did not think the question came within the scope of the drafting committee.

33. Mr. KEVIN (Australia) supported the United Kingdom proposal for inserting the word " ordinarily " in the draft.

34. The CHAIRMAN put to the vote the Austrian amendment (A/CONF.25/C.1/L.26) substituting the words " *inter alia* in " for the words " more especially of ".

The amendment was adopted by 43 votes to 7, with 10 abstentions.

35. The CHAIRMAN put to the vote the oral amendment submitted by the United Kingdom, inserting the word " ordinarily " in the introductory sentence.

The amendment was rejected by 30 votes to 5, with 28 abstentions.

Sub-paragraph (a)

36. Mr. ENDEMANN (South Africa) introduced his delegation's amendment (L.25) adding at the end of sub-paragraph (*a*) the words: " . . . and in a manner compatible with the laws of the receiving State ". That provision in no way meant that the laws of the receiving State could prevent consuls from protecting the interests of the sending State and of its nationals. The object was to determine how the protection would be secured, in conformity with the laws of the receiving State. The clause appeared to be in line with current practice.

37. Mr. FUJIYAMA (Japan) said that his delegation proposed the deletion of the words " both individuals and bodies corporate " (L.54) — which incidentally did not appear in the Convention on Diplomatic Relations — because it seemed obvious that " nationals " included both individuals and bodies corporate. It would be better to follow the language of the 1961 Convention in order to avoid any difficulty concerning the interpretation of two analogous articles in two closely related conventions.

38. Mr. BARTOŠ (Yugoslavia) said he was prepared to agree that the idea of " ensuring " should be added to that of " protecting ", and was in sympathy with the amendment submitted by Mali (L.73).

39. So far as the other amendments were concerned, he said that, while not formally opposed to them, he could not support them. Referring to the Japanese amendment he said that the meaning of the words " both individuals and bodies corporate " had been debated in the International Law Commission; it would be better to retain the Commission's text. Nor could he accept the amendments submitted by South Africa (L.25) and Indonesia (L.51), which were too restrictive. Consuls

were bound by international law to respect municipal law. He feared that the need to determine what was compatible with municipal law might give rise to much controversy. The Venezuelan amendment (L.20) seemed quite satisfactory, but it would be better to mention both " watching over " and " protecting ".

40. He thought it might perhaps be best to leave the text of the draft unaltered.

41. Mr. PALIERAKIS (Greece) said that his delegation proposed (L.80) that at the end of sub-paragraph (*a*) the words " or by bilateral agreements between the sending State and the State of residence " should be added, for there might be agreements concerning that question, and they should not be ignored.[3]

42. Mr. TSYBA (Ukrainian Soviet Socialist Republic), referring to the Venezuelan amendment (L.20), said he preferred the term " protecting ", which seemed to define the consular functions in a more concrete manner. The consul was concerned with defending interests which were threatened. The appropriate word would be " protecting " or " defending ". He was willing to support the amendment by Mali (L.73).

43. Mr. WESTRUP (Sweden), referring to the Japanese amendment (L.54), said that in 1961 the Swedish delegation had asked if the word " nationals " included individuals and bodies corporate. It had been told that that was the case. Nevertheless, it was better to be specific and to retain the text of the International Law Commission.

44. Mr. de MENTHON (France), referring to the Venezuelan amendment, said he saw no objection to the addition of the words " watching over " if the idea of " protecting " was maintained.

45. With regard to the amendment submitted by South Africa (L.25), he preferred the International Law Commission's text. The idea expressed in that amendment was embodied in article 66 of the draft, which dealt with respect for the laws and regulations of the receiving State. Referring the Indonesian amendment (L.51), he said he would prefer the original text to stand as drafted. He agreed with the representative of Yugoslavia that the result of the Indonesian amendment would be to limit the exercise of consular functions. He agreed with the remarks of the representative of Sweden concerning the Japanese amendment (L.54); it would be better to retain the words " both individuals and bodies corporate " in order to avoid any ambiguity. On the other hand, he saw no objection to adopting the idea contained in the Mali amendment (L.73), which should be in addition to the essential idea of protection.

46. Mr. ANIONWU (Nigeria) said that the Venezuelan, Indonesian and Japanese amendments (L.20, L.51 and L.54) scarcely altered the meaning of the text. With regard to the Venezuelan amendment, he thought that " watching over " would have a rather negative meaning. On the other hand, he was willing to support the other two amendments.

[3] This amendment was not pressed to a vote.

47. The amendments submitted by South Africa and Mali were apparently mutually contradictory. He was not in favour of the South African amendment, for its adoption might give rise to serious difficulties; nationals of the sending State might find themselves obliged to conform to practices to which they were unaccustomed. On the other hand, he was willing to support the Mali amendment.

48. Mr. ABDELMAGID (United Arab Republic) said that he saw no objection to adding the idea of " watching over " to that of " protecting ", but that would be rather a matter for the drafting committee. He would support the Indonesian amendment (L.51). Admittedly, article 66 embodied the same idea, as the representative of France had pointed out, but it dealt with respect for the laws and regulations of the receiving State on the part of honorary consular officials. The representative of France should have referred to article 55, which corresponded to article 41 of the Convention on Diplomatic Relations. He regretted that he could not endorse the Japanese amendment (L.54). He was, however, in favour of the Mali amendment (L.73). In connexion with the Greek amendment (L.80), he pointed out that international law included bilateral conventions.

49. Mr. von HAEFTEN (Federal Republic of Germany) said thet the idea of " protecting " was not implied in the term " watching over ". Furthermore, the latter expression had been translated in two different ways. In the Venezuelan amendment (L.20), the Spanish word " velar " was translated by " watching over ", whereas in the Mali amendment (L.73) the French word " veiller " was translated by " ensuring ". That point would have to be settled by the drafting committee.

50. The Indonesian amendment (L.51) tended to deprive the provision of its meaning: if the laws of the receiving State prevented consular officials from exercising their functions, they could do nothing further. The South African amendment (L.25) appeared to be safer. In connexion with the Japanese amendment (L.54), he said it would be advisable to retain the words " both individuals and bodies corporate ", in order to avoid any misunderstanding.

51. Mr. KRISHNA RAO (India) agreed with the representative of the Federal Republic of Germany that the idea of " protecting " included the idea of " watching over ". " Protecting " could therefore not be replaced by " watching over ", which was a weaker expression. The Indonesian amendment (L.51) seemed preferable to the South African amendment (L.25). He could not support the Japanese amendment (L.54), as it conflicted with paragraph 8 of the International Law Commission's commentary on article 5.

52. Mr. BARUNI (Libya) said he could not accept the South African amendment (L.25). Unfortunately, discrimination for reasons of colour was still practised in the world. What would happen if a consul in a region where such discrimination was applied found that local laws forbade him to protect coloured persons ?

53. The Indonesian amendment (L.51) also seemed to impose a restriction on the exercise of the consul's

functions. On the other hand, he was inclined to support the Mali amendment (L.73).

54. The CHAIRMAN asked the Venezuelan representative to give his opinion on the choice between the words " protecting " and " watching over ".

55. Mr. SILVEIRA-BARRIOS (Venezuela) agreed with the Indian representative that the idea of " protecting " included that of " watching over ". As the problem was one of secondary importance, he would withdraw the amendment.

56. Miss ROESAD (Indonesia) thanked the delegations which had supported the Indonesian amendment (L.51) and for the benefit of these delegations which regarded the amendment as restrictive stated that it corresponded with what was said in paragraph 7 of the International Law Commission's commentary on article 5 — viz., that the consul's right to intervene on behalf of the nationals of the sending State did not authorize him to interfere in the internal affairs of the receiving State. It was right that the principle of non-interference should be mentioned expressly so that, in his eagerness to protect the interests of nationals of the sending State, the consul would not resort to methods at variance with the law and usage of the receiving State.

57. Mr. DADZIE (Ghana) said he would not support the South African amendment (L.25), for the articles under discussion already specified too often that they were subject to the laws of the receiving State. In Africa, that phrase had a familiar meaning. It was well known that South Africa would not accept a convention unless it were in conformity with the laws of the receiving State.

58. He would vote against the Japanese amendment (L.54), since he thought that the retention of the words " individuals and bodies corporate " helped to make the text clear.

59. Mr. SHARP (New Zealand) said that none of the amendments seemed acceptable to him. In his opinion, too much emphasis was being placed on the laws of the receiving State instead of on international law. With regard to the amendment by Mali (L.73), he said that the duty of a consul in protecting a national of the sending State accused of a crime or offence was to see that he was treated like a national of the receiving State; he would therefore vote against the amendment because it placed emphasis on special treatment for foreigners.

60. Mr. ENDEMANN (South Africa), speaking on a point of order, said that the Committee was hardly competent to deal with questions concerning the policy followed by certain governments. In particular, he protested against certain expressions used by the Ghanaian representative.

Mr. N'DIAYE (Mali) explained that his delegation's amendment had been occasioned by the experience of a number of young States; in their future international relations, those States would need the maximum guarantees — in the clearest possible terms — which were in no way superfluous. The very general term " protecting " seemed inadequate. Logically, moreover, if that word was sufficient in itself, sub-paragraphs (*g*) and (*h*) would also be superfluous. He therefore urged the Committee to adopt the amendment.

62. Mr. CHIN (Republic of Korea) said that for article 5, sub-paragraph (*a*), he preferred the text adopted by the International Law Commission. With particular reference to the Mali amendment, he thought that the word " protecting " was adequate.

63. Mr. WU (China) said that from a legal point of view the Japanese amendment (L.54) was reasonable: in Chinese law, the term " nationals " covered both individuals and bodies corporate. The words which the Japanese delegation proposed to delete were therefore superfluous, but he had no objection to their retention, which was apparently desired by a number of delegations.

64. Mr. BANGOURA (Guinea) said that, for the reasons given by the Libyan representative, he could not support the South African amendment. Nor could he vote for the Japanese amendment. On the other hand, he would support the amendment by Mali, for the reasons which had been very cogently put forward by the representative of that country. Many young States had to establish relations with older States and they had to be able to ensure proper protection for their nationals who went to work in more highly developed countries.

65. Mr. SILVEIRA-BARRIOS (Venezuela) said he would not vote for the Japanese amendment (L.54). He was favourably disposed to the Malian amendment, but thought it should be in stronger terms.

66. Mr. ENDEMANN (South Africa) announced the withdrawal of his delegation's amendment (L.25).

67. The CHAIRMAN said that, after the withdrawal of the Venezuelan and South African amendments, three amendments remained to be voted on: those of Indonesia (L.51), Japan (L.54) and Mali (L.73).

The Indonesian amendment was rejected by 48 votes to 10, with 8 abstentions.

The Japanese amendment was rejected by 62 votes to 1, with 2 abstentions.

68. Mr. HEPPEL (United Kingdom) said that he would vote against the amendment by Mali because it tended to introduce into the article in question the principle of the most-favoured-nation clause, which did not appear anywhere else in the Convention.

The Malian amendment was rejected by 35 votes to 12, with 20 abstentions.

69. The CHAIRMAN put to the vote article 5, sub-paragraph (*a*), as drafted by the International Law Commission.

Article 5, sub-paragraph (a), as drafted by the International Law Commission, was adopted by 60 votes to none, with 1 abstention.

70. Mr. DADZIE (Ghana) said that his delegation had voted in favour of the amendment by Mali, since it offered the best means of ensuring adequate protection for the nationals of the sending State. It was not a question of the most-favoured-nation clause, but simply an application of the principle that all aliens should be treated on an equal basis, which was not the case everywhere.

Sub-paragraph (b)

71. Mr. CRISTESCU (Romania), introducing the amendment submitted jointly by Czechoslovakia, Hungary and Romania (L.33), explained that, in proposing the addition of the words " Developing friendly relations " in sub-paragraph (*b*), the sponsors wished to write into the future convention on consular relations a principle which was already stated in article 3 of the Vienna Convention on Diplomatic Relations. While admittedly the work of consulates was more limited than that of diplomatic missions, yet consular officials should strive to promote the development of friendly relations between the sending State and the receiving State, which was the principal objective of the Charter of the United Nations and of international law in general. International law, which recognized the need to develop friendly relations between States, likewise applied in the consular field. Such a principle of international law should be observed by all bodies representing the State or its interests abroad, whether they were diplomatic missions or consulates.

72. Current developments in consular relations required that consulates should not be limited to typically administrative functions but should become important factors in strengthening interstate relations. The amendment was in conformity both with the provisions of the United Nations Charter and with resolutions 1686 (XVI) and 1815 (XVII) on the codification of the principles of international law concerning friendly relations and co-operation among States, which had been unanimously adopted by the General Assembly.

73. The need to include that provision was all the greater since it would be stipulated in article 3 of the future convention that consular functions were exercised by consulates and also by diplomatic missions — a clause which was likewise to be found in the Convention on Diplomatic Relations. Accordingly, it seemed desirable to establish a parallel on that point between the two conventions.

74. The precedents mentioned and also the current developments in international law were in favour of mentioning such a consular function in the convention. It was both advisable and necessary in order to strengthen the part played by the consulates in international relations.

75. Mr. TSYBA (Ukrainian Soviet Socialist Republic) supported that amendment.

76. Mr. MARTINS (Portugal) said that his delegation would vote for the joint amendment (L.33).

77. Mr. von HAEFTEN (Federal Republic of Germany) said that to his regret he would not be able to support the joint amendment. The formula in question rightly appeared in the Convention on Diplomatic Relations, but would be superfluous in the future convention on consular relations, because of the difference in character between the diplomatic and consular services. Moreover, such a formula might incite certain consular officials to interfere in the internal affairs of receiving States, which was certainly not the intention of the members of the Committee.

78. Mr. ANIONWU (Nigeria) said that he thought that sub-paragraph (*b*) as drafted by the International Law Commission sufficiently stressed the necessity of promoting friendly relations between the sending State and the receiving State. The amendment was therefore superfluous.

79. Mr. KRISHNA RAO (India) supported the amendment but asked how the new version of the paragraph should be drafted; perhaps it would be enough to insert the words " and other friendly relations " after the words " cultural and scientific ".

80. Mr. JELENIK (Hungary) said that the development of friendly relations between sending and receiving States was unquestionably a consular function and should be mentioned expressly in the convention. In practice, consuls often had the opportunity of coming into contact with the common people and with the authorities of the receiving State and to act in the sense desired. Everyone recognized the need to develop friendly relations between countries; the amendment simply set forth the principle.

81. Mr. BARTOŠ (Yugoslavia) said that the joint amendment was very necessary since it affirmed the principle of friendship between nations and was in perfect harmony with the Charter. He therefore supported the amendment, though he had some doubts about its actual drafting. Perhaps the Committee might adopt the principle of the amendment and leave it to the drafting committee to work out the text. The suggestion of the Indian representative seemed to point the way to the best solution.

The meeting rose at 6.15 p.m.

TENTH MEETING

Tuesday, 12 March 1963, at 10.45 a.m.

Chairman: Mr. BARNES (Liberia)

Consideration of the draft articles on consular relations adopted by the International Law Commission at its thirteenth session (A/CONF.25/6) (*continued*)

Article 5 (Consular functions) (*continued*)

Sub-paragraph (b) (continued)

1. The CHAIRMAN invited the Committee to continue its discussion of article 5, sub-paragraph (*b*), and the amendment thereto (A/CONF.25/C.1/L.33).

2. Mr. DADZIE (Ghana) recalled that, in its resolution 1686 (XVI), the General Assembly had decided to