United Nations Conference on Consular Relations

Vienna, Austria
4 March – 22 April 1963

Document:-
A/CONF.25/C.2/SR.17

17th meeting of the Second Committee

Extract from the
Official Records of the United Nations Conference on Consular Relations, vol. I
(Summary records of plenary meetings and of meetings of
the First and Second Committees)

on security grounds; some of them resided in very remote districts. Sub-paragraph (*b*) imposed an obligation which his government would be unable to fulfil, and he would therefore oppose it.

35. Mr. KANEMATSU (Japan) said that the interests of the sending State were not so great that it was necessary to provide for the receiving State's obligation to inform the consulate of the detention of a national of the sending State. That obligation was owed only if the person concerned wished the consulate to be informed. The provision proposed by Japan (L.56) was very close to that proposed by Switzerland (L.78) [4] and accordingly the Japanese delegation would, if the Swiss amendment was adopted, withdraw its amendment.

36. Mr. LEE (Canada) said that he likewise regarded the obligation stipulated in paragraph 1 (*b*) as excessive; besides, what would be the position if a person had double nationality ? Other possible cases which illustrated his point were, for example, those where a person was arrested for a minor offence during a short stay in a neighbouring country; so strict a rule as that laid down in paragraph 1 (*b*) should surely not be applicable in such cases. He would accept the proposals of the United States (L.3), the United Kingdom (L.107) and Greece (L.125).

37. Mr. KAMEL (United Arab Republic) proposed the deletion of the first sentence of paragraph 1 (*b*) and the amendment of the second sentence by the deletion of the word " undue ", as proposed by the United Kingdom.

38. Mr. JESTAEDT (Federal Republic of Germany) referring to his delegation's amendment (L.74), under which the receiving State would have one month's time limit by which to inform the consulate of the sending State of the arrest or detention of a national of that State, said that he would be prepared to accept a shorter time limit.

39. Mr. BLANKINSHIP (United States of America) said that under his delegation's amendment (L.3) the receiving State would not be bound to notify the consulate of the sending State of the arrest of one of the nationals of that State who did not wish to have his name notified to the authorities of the sending State. The object of the amendment was to protect the rights of the national concerned. His delegation's purpose should not be misconstrued. As the Canadian representative had said, a person spending a short period in a neigbouring State might commit a trivial offence of which, for very understandable reasons, he might not like his consulate to be informed. To avoid such situations the United States proposed that the words " at the request of a national of the sending State " should be added. In addition, in referring to the cases of persons suffering from some physical or mental incapacity, the amendment filled a gap in the original draft.

40. While recognizing the force of the argument of the representative of Thailand, he said that no country could disregard its obligation in certain circumstances to inform the sending State's consulate of the arrest of one of the nationals of that State. The United Kingdom amendment (L.107) was acceptable to the United States.

The meeting rose at 1.10 p.m.

[4] The Swiss amendment proposed the insertion of a new paragraph 2.

SEVENTEENTH MEETING

Friday, 15 March 1963, at 3.15 p.m.

Chairman: Mr. GIBSON BARBOZA (Brazil)

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

Article 36 (Communication and contact with nationals of the sending State) (*continued*)

Paragraph 1 (b)

1. The CHAIRMAN invited the Committee to continue consideration of paragraph 1 (*b*) of article 36 and the relevant amendments.[1]

2. Mr. HEUMAN (France) said that article 36 was one of the most important in the whole draft. For theoretical purposes, the International Law Commission's formulation of the principle stated in paragraph 1 (*b*) could not be improved on. The absolute and unconditional obligation of the authorities of the receiving State to notify the sending State's consul if a national of that State was committed to prison or detained in custody was included whenever possible in bilateral conventions signed by France, and he had been glad to see it included in the draft convention.

3. It must be recognized, however, that principles were often very different from practical possibilities. Many countries, such as Thailand and Canada, had a large number of permanent foreign residents; others, such as his own, had a large seasonal influx of foreign tourists and week-end visitors. In both cases paragraph 1 (*b*) would impose an impossible task on the authorities of the sending State, and it would not be wise or reasonable, or even honest, to approve an article which could not be complied with. A less ambitious solution must be found, even if it were an inferior one, to meet the facts of the situation.

4. He was therefore forced to compromise by accepting the idea, supported by many representatives at the previous meeting, that consuls should be notified only when the person concerned so requested. Of the various amendments before the Committee, that submitted by the United States of America (L.3) offered the best solution. It was based on the idea that the person detained should take the initiative, unless he was prevented from doing so by mental or physical incapacity, in which

[1] For the full list of amendments to article 36, see the summary record of the fifteenth meeting, footnote to para. 28; for the amendments to paragraph 1 (*b*), see the summary record of the sixteenth meeting, footnote to para. 34. An oral amendment to paragraph 1 (*b*) had also been proposed by the United Arab Republic.

case the authorities of the receiving State must notify the competent consulate.

5. He regretted that Canada had withdrawn an excellent earlier proposal to the effect that the authorities of the receiving State should be obliged to notify the consuls if one of his country's nationals were arrested. In the circumstances, he would vote for the United States amendment, though he wished to point out two shortcomings. First, the International Law Commission's draft and all the amendments, including that of the United States, referred to detention or committal to prison or to custody pending trial, but none of them mentioned arrest. He might at a later stage propose the addition of the word " arrested " to the United States amendment. Secondly, many of his own country's bilateral agreements, especially those with African countries, contained a clause on the lines of the United States amendment, but with an additional provision giving the consul the right to receive periodically a list of nationals of the sending State in prison or custody or under detention. He might at a later stage propose as a sub-amendment to the United States amendment an additional sentence on the following lines:

" The competent authorities shall further be required, on request by the competent consulate of the sending State, to communicate to it periodically a list of the nationals of that State who are detained, except for those who object to such information concerning them being communicated to the consulate." [2]

6. To sum up, he fully supported the United States amendment, but reserved the right to propose two sub-amendments.

7. Mr. MARESCA (Italy) said that freedom was an essential part of human dignity. If consuls were not informed of restrictions on the personal freedom of nationals abroad they would be unable to carry out their task of protecting the interests of those nationals and looking after their welfare. It was therefore the responsibility of the receiving State's local authorities to inform the consul of the imprisonment, detention or holding in custody of any national of the sending State. He was therefore strongly opposed to the deletion of paragraph 1 (*b*). He could accept the idea of notification being dependent on the wish of the person concerned, provided that it would always take place if that person did not object. He supported the Greek amendment (L.125), which was constructive and improved the International Law Commission's text; but he could not support the amendment by the Federal Republic of Germany (L.74), because it would invite delay in notification.

8. The CHAIRMAN invited Mr. Žourek to explain why the International Law Commission had included the words " without undue delay " in its draft, as they had given rise to considerable comment at the previous meeting.

9. Mr. ŽOUREK (Expert) said that the words had not appeared in the original draft but had been added after long discussions both in plenary meetings and in the drafting committee.[3] They were intended to allow for cases in which the receiving State's police might wish to held a criminal in custody for a time. For example, if a smuggler was suspected of controlling a network, the police might wish to keep his arrest secret until they had been able to find his contacts. Similar measures might be adopted in case of espionage. The International Law Commission had felt that if the provision was to be capable of application and to be applied, such cases would have to be taken into account because they arose in practice.

10. Mr. LEVI (Yugoslavia) said that he could not support the representative of Thailand's proposal (L.101) to delete paragraph 1 (*b*), because that paragraph recognized an obligation that was already fulfilled in many countries. After hearing the explanation given by Mr. Žourek, he was not greatly in favour of the United Kingdom amendment (L.107). He could not accept the United States amendment (L.3), because it weakened the receiving State's obligation. The examples of detention overnight for drunkenness suggested by the representatives of Canada and the United States were not really valid, for the clause under discussion was applicable to much more important cases. He saw no objection in principle to the amendment by the Federal Republic of Germany (L.74), but thought it would be unsatisfactory in practice. A provision that the consul of the sending State should be informed at the latest within one month would not be practicable in Yugoslavia. The Greek proposal (L.125) was a wise one, but would be difficult to implement. In practice, it was not always easy to state the reasons for detention immediately. The amendment would be acceptable only if the reasons could be given in general terms: for example, by citing the article of the criminal code under which a person had been detained. He opposed the Japanese amendment (L.56) for the same reasons as he opposed the United States amendment.

11. Mr. CHIN (Republic of Korea) said that the receiving State's obligation under paragraph 1 (*b*) was extremely important, because it related to one of the fundamental and indispensable rights of the individual. Korea was a country in which there were many aliens, and his government recognized the need for that obligation to be faithfully fulfilled in order to protect their interests. He therefore opposed the amendment submitted by Thailand. He was against any limitation of the obligation, but agreed with the United States, Canadian and other representatives that the burden of the receiving State could be reduced. He supported the United States amendment, but would prefer to see the words " without undue delay " replaced by the stipulation of a specific period, as proposed in the amendment by the Federal Republic of Germany, which conformed with practice in his country. His views on the other amendments were implicit in the comments he had just made.

[2] See document A/CONF.25/C.2/L.131, in which, however, France proposed that the words in question should form a new sub-paragraph between paragraphs 1 (*b*) and 1 (*c*). This proposal was discussed at the eighteenth meeting (paras. 17-45).

[3] See *Yearbook of the International Law Commission, 1960*, vol. I (United Nations publication, Sales No. 60.V.I, vol. I), summary records of the 534th to 537th metings).

12. Mr. KRISHNA RAO (India) said that paragraph 1 (*b*) contributed to the progressive development of international law. He had serious doubts about the United States and Japanese amendments, which made the receiving State's obligation dependent on the wish of the person concerned, for if that person was in prison there was no way of knowing whether he had asked for his consul to be informed or not. Such a provision could only lead to difficulties, for disputes would arise between the receiving and the sending States as to whether the prisoner had or had not made a request. Paragraph 1 (*b*) merely required the competent authorities to inform the competent consulate; if the person concerned did not wish to see his consul he need not do so, for the other paragraphs of the article gave him the right to refuse. The reasoning of the United States and Japanese representatives was understandable, but their views were adequately covered by the Swiss amendment (L.78). He could not support the amendment by the Federal Republic of Germany, because authorities would naturally tend to postpone notification until the end of the time limit. He would vote against the Greek amendment because its adoption would oblige some countries represented at the Conference to make radical changes in their consular regulations and criminal codes, but he supported the United Kingdom amendment (L.107).

13. Mr. SPYRIDAKIS (Greece) said that his country had a large number of nationals in different parts of the world and was anxious to safeguard their rights. The Conference, in its task of codifying international law and customs on consular relations, was also following the present-day trend of promoting and protecting human rights, for which future generations would be grateful. Greece therefore attached very great importance to article 36, and was proposing to add one more to the safeguards it embodied.

14. The Greek amendment (L.125) was based on the experience of Greek nationals abroad, who had sometimes been arrested and confined for long periods without being allowed to contact their consulates. The International Law Commission's draft, with the addition proposed by Greece, would constitute an advance in protecting aliens, particularly nationals of small countries.

15. With regard to the other amendments, he could not support the United States amendment, which weakened the safeguards in paragraph 1 (*b*); he could support the amendment by the Federal Republic of Germany if the time limit were reduced to, say, ten days; and he could accept the United Kingdom amendment if it did not weaken the guarantees in paragraph 1 (*b*), though, bearing in mind Mr. Žourek's explanation, the International Law Commission's wording might be better.

16. Mr. TÔN THÂT ÂN (Republic of Viet-Nam) said that paragraph 1 (*b*) placed too great an obligation on the receiving State. The representative of Thailand had shown, at the previous meeting, what a heavy burden it would represent for his own country. In drafting universal provisions, it was important not to overlook legitimate exceptions and he therefore supported the amendment submitted by Thailand; if it were not adopted he would support the Japanese amendment, which lessened the receiving State's obligation.

17. Mr. BOUZIRI (Tunisia) said that he regarded paragraph 1 (*b*) as one of the most important in the draft. It was related to article 5 (Consular functions), approved by the First Committee, and as the representative of Italy had pointed out, one of the essential functions of a consul was to help and protect the nationals of the sending State. Detention (and he agreed with the French representative that arrest should also be included) was a serious infringement of the freedom and dignity of the individual. It was therefore unthinkable that the consul of the sending State should not be notified, and the obligation of the receiving State to notify him should be firmly established, for it was possible that in certain circumstances the foreign national might be unable to inform the consul and ask him for help and protection.

18. Objections had been raised at the previous meeting, and examples had been given of the difficulties which might arise in countries visited by thousands of foreign tourists. He did not deny the circumstances, but was sure that the proportion of arrests or detentions among tourists would be too small to justify the argument. The measures provided for in paragraph 1 (*b*) were necessary to protect the rights of foreigners, though, bearing in mind the difficulties mentioned by the French representative, notification need not be made immediate. The United States representative's apt reference to the possibility of a person refusing to see his consul was an exceptional case and did not affect the principle that an alien needed protection and his consul must give it. The United States representative wished notification to be made only on the request of the person detained; he himself would prefer the obligation to stand unless that person expressly objected. The same objection applied to the Swiss and Japanese amendments. The amendment submitted by Thailand conformed neither to international law nor to the facts. He would vote against the United States amendment unless it could be altered as he had suggested and could include a reference to arrest. He agreed with the idea contained in the amendment by the Federal Republic of Germany, but could only support that amendment if the time limit were reduced. He would vote in favour of the United Kingdom amendment.

19. Mr. EVANS (United Kingdom) fully agreed with the Tunisian representative's remarks. The rights of communication and contact with the nationals of sending States defined in article 36 were especially important for the persons under detention referred to in sub-paragraph (*b*). Such persons were obviously in very special need of consular help and the notification stipulated in sub-paragraph (*b*) was in many cases a necessary condition for providing it. It was essential to retain sub-paragraph (*b*) and he would therefore be obliged to vote against the amendment submitted by Thailand.

20. There should be a clear obligation to inform the competent consul in any case in which a national of the sending State was detained in the receiving State, and

to do so promptly. Only if the obligation were so framed could it really fulfil its purpose in all cases. That was why he had proposed that the word " undue " should be deleted; the wording of the draft implied that some delay was permissible. His government consistently used the words " without delay " and " promptly " in bilateral agreements and he was aware of no resultant difficulties. The amendment by the Federal Republic of Germany would allow far too long a delay; if the Committee wished to allow some latitude the most he could accept would be about 48 hours.

21. He had serious misgivings about the amendment advocated by the United States and Japanese representatives. The experience of his own country showed that such a provision might give rise to misunderstanding and uncertainty in practice. An important consideration was the language difficulty for persons travelling abroad. That might well have been the cause of misunderstanding in a recent case in which a United Kingdom national had been detained; the authorities of the receiving State had maintained that he had made no request for the consul to be informed, but when released a few days later he had said that he had asked to be allowed to communicate with his consul several times. It was better to lay down a clear and straightforward obligation which left no room for misunderstanding and he would prefer the International Law Commission's text as it stood. He recognized the possibility of special problems, as in the case of neighbouring countries where people crossed the border frequently for work or pleasure; but he suggested that those problems could be solved by other means than weakening the obligation under sub-paragraph (*b*). States with such problems might, for example, make bilateral arrangements to waive or limit their respective rights under the article to suit their mutual convenience. Another solution would be to add a sentence to the effect that the obligation applied only where persons were detained for more than 48 hours. He supported the Greek amendment, which was an improvement on the original draft.

22. Mr. AMLIE (Norway) referred to the arguments advanced by the representatives of Canada and the United States at the previous meeting to justify their desire for caution. He realized that there were strong reasons for caution; but there were even stronger reasons for imposing an absolute obligation. He too could give examples. Norway possessed a large merchant navy and its seamen, especially on their first visit abroad, were often faced by dangers and temptations. That was why Norway maintained so many consulates abroad. His own experience in Brazil had shown that with police co-operation, and provided the consul was notified immediately, many seamen could be saved from trouble and the trouble-makers speedily removed. In countries where such immediate notification and co-operation were not the general practice seamen could be arrested; the receiving State's authorities could say that they did not want consular help, and the sending State could never prove the contrary. As the Indian representative had pointed out, such situations could cause endless strife and argument between the receiving State and the sending State.

23. As legislators (for the Conference was engaged in laying down international law), the drafters of the convention could not deal with minor cases; they must establish basic rules. The only basic rule to be adopted in the present case was the one drafted by the International Law Commission, without reference to the will or desire of the person detained.

24. Mr. SRESHTHAPUTRA (Thailand) stressed that his delegation had proposed the deletion of sub-paragraph (*b*) not because it was not in agreement with the principle of the sub-paragraph, but because, as he had explained at the previous meeting, his government could not accept any obligation which it knew it would be unable to fulfil for practical reasons. He did not understand how his statement of fact concerning the special position of his country could be interpreted as a defiance of international law, as certain representatives appeared to have suggested.

25. Mr. BOUZIRI (Tunisia) suggested that if a country was unable to accept a particular provision it was open to it to make a reservation regarding the article concerned, rather than propose the omission from the convention of a principle which could be applied by other countries.

26. Mr. DE CASTRO (Philippines) said that the amendment proposed by the Federal Republic of Germany and the United Kingdom approached the problem from the standpoint of the sending State, as did the International Law Commission's draft, whereas the amendments submitted by Japan, Thailand and the United States represented the approach of the receiving State. When an alien entered a country, he accepted its jurisdiction. In his delegation's view the alien should not be denied the same protection as the nationals of the receiving State, but should nevertheless not be granted a higher degree of protection. The Japanese and United States amendments, therefore, appeared to embody the principle which would be most generally acceptable — that the consulate should be notified by the authorities of the receiving State when they were so requested by the person concerned. The word " reason " in the Greek amendment seemed to imply that some explanation should be provided by the authorities of the receiving State in addition to a statement of the charge made; that might give rise to some difficulty. He would therefore suggest that the competent authorities should be required to state " the charge or cause of his being deprived of his liberty ".

27. Mr. PEREZ HERNANDEZ (Spain) said that the right of the consulate to be informed so that it might protect the detained person was clearly stated in the International Law Commission's draft. His delegation favoured those amendments which were designed to improve, and not restrict, the draft, such as the proposal by the Federal Republic of Germany that the period within which the consulate must be notified should be specified. A time-limit of one month seemed unduly long, however, since during that period the situation of the detained person might worsen considerably. His delegation would prefer a shorter period, but perhaps

rather longer than the forty-eight hours suggested by the United Kingdom representative. His delegation would vote in favour of the Greek amendment; it was vital that the consulate should be informed of the reasons for which a person was being detained. Such a provision would also assist the local authorities in their task.

28. He could not support the Japanese and United States amendments, which were restrictive. Only after the consulate had been informed of his detention should the person concerned have the right to request, if he so wished, that the consulate should refrain from taking any action on his behalf. Adoption of the International Law Commission's draft would remove the necessity for the proposal in the third paragraph of the United States amendment, since the competent authorities would automatically inform the consulate of the detention of a physically or mentally handicapped person. The oral amendment proposed by France was a drafting point rather than a statement of a legal principle. His delegation would prefer a simple statement of the principle that the consulate must be informed when any of its nationals was " deprived of his liberty ".

29. He proposed that the meeting be suspended for a short time, so that delegations with similar views could try to reach agreement.

The motion for the suspension of the meeting was carried by 29 votes to 8, with 17 abstentions.

The meeting was suspended at 5.10 p.m., and resumed at 5.50 p.m.

30. Mr. BLANKINSHIP (United States of America) announced that after consultation during the suspension of the meeting, the delegations of Canada, Japan, Kuwait, Thailand, the United Arab Republic and the United States of America had agreed to submit a joint amendment to sub-paragraph (*b*), reading as follows:

" A consular official shall be informed without delay by the competent authorities of the receiving State if a national of the sending State who is arrested, committed to prison or detained in any other manner so requests. Any communications addressed to the consulate by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay."

31. The amendments previously submitted by the delegations of Japan (L.56), Thailand (L.101) and the United States of America (L.3), and the oral amendment proposed by the United Arab Republic had been withdrawn.

32. Mr. JESTAEDT (Federal Republic of Germany) said that in the light of the comments made on his delegation's amendment, he had decided to accept the United Kingdom suggestion that the consulate should be informed " at the latest within 48 hours ", and to revise the amendment further by proposing the deletion of the word " undue " before " delay " in the first sentence of sub-paragraph (*b*).

33. His delegation could not support the joint amendment just introduced because it did not differ in essence from the original United States amendment. The provision that the competent authorities should only inform the consulate at the request of the person detained might be the cause of grave friction between States.

34. His delegation would vote in favour of the Greek amendment.

35. Mr. NEJJARI (Morocco) said that if the consulate was to be given the onerous task of protecting its nationals it must be given the means to do so effectively, and must therefore be informed. His delegation could not accept the new joint amendment, but would support the International Law Commission draft. The time-limit within which the consulate must be informed should be short but reasonable — perhaps one or two weeks; forty-eight hours seemed too short.

36. Mr. HEUMAN (France) welcomed the inclusion in the joint amendment of his suggestion that reference should be made to arrest. If the joint amendment was rejected, he would ask for a separate vote on his proposal to insert the word " arrested " in the first sentence of the International Law Commission's draft, before the words " committed to prison ", and in the second sentence before the words " in prison ".

37. The discussion had centred on the question of whether a consulate should be informed automatically or only at the request of the person detained. It was true that in the case of minor offences, such as drunkenness or student brawls, there would be no desire to inform the consulate. Much more serious consideration must be given, however, to the interests of political refugees. It would be very undesirable if a receiving State was obliged, for example, to inform the consulate of a sending State immediately in a case where one of its nationals, wishing to break off relations with his country, had crossed the frontier clandestinely, since such a person could not be accorded refugee status overnight and would still come within the scope of the provision as drafted by the International Law Commission. The International Law Commission's draft of sub-paragraph (*b*) would be inapplicable under French law, and his delegation would support the joint amendment.

38. Mr. PEREZ HERNANDEZ (Spain) said that it was difficult to find the exact equivalent of " arrested " in Spanish and suggested that it might be preferable to refer simply to nationals being " deprived of liberty ".

39. The CHAIRMAN said that it was for the drafting committee, which had Spanish-speaking members, to ensure that the texts in all languages corresponded exactly.

40. Mr. SPYRIDAKIS (Greece) welcomed the revised amendment by the Federal Republic of Germany, which his delegation would support. He did not feel that there were sufficient grounds for the sub-amendment to his delegation's amendment suggested by the representative of the Philippines. " Reason " was a general term and might include a statement of the charge against the national concerned. The matter might perhaps be left to the drafting committee.

41. The CHAIRMAN invited the Committee to vote on the joint oral amendment presented by the delegations of Canada, Japan, Kuwait, Thailand the United Arab Republic and the United States of America.

42. Mr. KONSTANTINOV (Bulgaria), asked that the words " who . . . so requests " in the first sentence of the joint amendment should be put to the vote separately.

43. Mr. HEUMAN (France) objected to the request for a separate vote, under rule 40 of the rules of procedure. The words on which a separate vote had been requested were the essential point of the amendment and their removal would leave a text which had little meaning.

44. Mr. SPACIL (Czechoslovakia) said that the text of the amendment would stand on its own after the removal of the words on which a separate vote had been requested. His delegation believed that the request for a separate vote was justified.

45. Mr. BLANKINSHIP (United States of America) opposed the motion for division. The proposed vote would set an unfortunate precedent. It would lead to further delay in the Committee's work if representatives were to single out a few words from any proposal for a separate vote. The purpose of the Bulgarian delegation could be attained simply by voting against the whole joint amendment which was in opposition to the International Law Commission's text.

46. Mr. BOUZIRI (Tunisia) supported the motion for division because under rule 40 of the rules of procedure the representative of Bulgaria had the right to request that a separate vote should be taken. The joint amendment did not differ from the original United States amendment. A separate vote was an accepted way of allowing delegations to show that they considered the inclusion of particular words to be undesirable. Accordingly, if the motion for division was carried, his delegation would take the opportunity to vote against the inclusion of the words " who . . . so requests ".

The motion for division was rejected by 45 votes to 15, with 8 abstentions.

47. The CHAIRMAN put to the vote the joint oral amendment as a whole.

The amendment was rejected by 33 votes to 27, with 9 abstentions.

The amendment by the Federal Republic of Germany (A/CONF.25/C.2/L.74), as revised, was rejected by 33 votes to 11, with 24 abstentions.

The United Kingdom amendment (A/CONF.25/C.2/L.107) was adopted by 37 votes to 2, with 28 abstentions.

The Greek amendment (A/CONF.25/C.2/L.125) was adopted by 39 votes to 13, with 16 abstentions.

48. The CHAIRMAN put to the vote the oral amendment submitted by the delegation of France, to insert the word " arrested ", in sub-paragraph (*b*).

The amendment was adopted by 42 votes to 5, with 21 abstentions.

Paragraph 1, sub-paragraph (b) as a whole, as amended, was adopted by 43 votes to 6, with 21 abstentions.

49. Mr. HEUMAN (France) explained that he had abstained from voting on sub-paragraph (*b*) as a whole since it was contrary to French law to communicate to a third person — even a consul — the name of a detained person without the latter's consent.

50. Mr. SPACIL (Czechoslovakia) asked that it should be placed on record that, in accordance with the rules of procedure, any representative had the right to move that parts of a proposal or of an amendment should be voted on separately. The argument of the United States representative that the practice of voting separately on certain words should be avoided was in contravention to the rules of procedure and was against normal practice in the United Nations where separate votes were one of the means at the disposal of representatives for expressing their opinion on particular parts of proposals or amendments.

51. Mr. SRESHTHAPUTRA (Thailand) explained that he had voted against the International Law Commission's draft of sub-paragraph (*b*), not because his government was opposed to the principle but because it would find some difficulty in applying it.

The meeting rose at 6.55 p.m.

EIGHTEENTH MEETING

Monday, 18 March 1963, at 10.45 a.m.

Chairman: Mr. GIBSON BARBOZA (Brazil)

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

Statement by the Chairman

1. The CHAIRMAN said that, in order to speed up the Committee's work, he proposed to enforce stricter compliance with rule 30 of the rules of procedure, which provided that amendments should normally be introduced in writing and circulated to all delegations on the day preceding the meeting. In future, he would exercise less freely the discretion given to the Chair by that rule to permit the discussion of proposals that had only been circulated on the day of the meeting concerned. Furthermore, oral amendments would not be permitted unless they took the form of joint amendments accepted by the sponsors of one or more of the written amendments before the Committee; the introduction of oral amendments had been the principal source of delay to the Committee's proceedings, since they very frequently led to a reopening of the debate on the topic in question. Points of drafting for submission to the drafting committee would of course be accepted. No representative would speak more than once on the topic under discussion, but sponsors of written amendments would be permitted to speak before the vote in order to clarify points that had arisen during the debate or to propose a compromise solution. He hoped that the Committee would accept his proposals, which would be to the advantage of all delegations.