

United Nations Conference on Consular Relations

Vienna, Austria
4 March – 22 April 1963

Proposals and amendments submitted to the Plenary Conference

Extract from Volume II of the *Official Records of the United Nations Conference on Consular Relations*
(*Annexes, Vienna Convention on Consular Relations, Final Act, Optional Protocols, Resolutions*)

PROPOSALS AND AMENDMENTS SUBMITTED TO THE PLENARY CONFERENCE

DOCUMENT A/CONF.25/L.8 & ADD.1 AND 2

**Iran, Spain, Union of Soviet Socialist Republics
and United Arab Republic : draft resolution**

[Original : English]
[26 March 1963]

The United Nations Conference on Consular Relations,

Having adopted the Vienna Convention on Consular Relations on the basis of draft articles prepared by the International Law Commission,

Resolves to express its deep gratitude to the International Law Commission for its outstanding contribution to the codification and development of the rules of international law on consular relations.

DOCUMENT A/CONF.25/L.9 AND ADD.1-8

Argentina, Belgium, Brazil, Chile, China, Colombia, Czechoslovakia, El Salvador, Federal Republic of Germany, Federation of Malaya, France, Guinea, Holy See, India, Iran, Japan, Lebanon, Liberia, Liechtenstein, Mexico, Mongolia, Morocco, Spain, Thailand, Tunisia, Union of Soviet Socialist Republics, United Kingdom, United States of America : draft resolution

[Original : English]
[26 March 1963]

The United Nations Conference on Consular Relations,

Having adopted the Vienna Convention on Consular Relations,

Expresses its deep appreciation to the Government and people of the Republic of Austria for making possible the holding of the Conference in Vienna and for their generous hospitality and great contribution to the successful completion of the work of the Conference.

DOCUMENT A/CONF.25/L.12

**Ghana and Spain : amendment to article 1
of the draft convention (A/CONF.25/L.11)**

[Original : English/French/Spanish]
[8 April 1963]

At the end of sub-paragraph (j), add the phrase : "including the residence of the career head of a consular post when established in the same building."

DOCUMENT A/CONF.25/L.13

Ukrainian Soviet Socialist Republic : amendment to article 30 of the draft convention (A/CONF.25/L.11)

[Original : Russian]
[8 April 1963]

Replace paragraph 4 by the following text :

"The consular premises, their furnishings, the

property of the consulate and its means of transport shall be immune from any search, requisition, attachment or execution."

DOCUMENT A/CONF.25/L.13/REV.1

Ghana, Norway and Ukrainian Soviet Socialist Republic : amendment to article 30 of the draft convention (A/CONF.25/L.11)

[Original : English]
[18 April 1963]

Replace paragraph 4 by the following text :

"The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any search, requisition, attachment or execution. Expropriation may only be carried out for purposes of national defence or public utility. In case of such expropriation all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State."

DOCUMENT A/CONF.25/L.14

Ukrainian Soviet Socialist Republic : amendment to article 43 of the draft convention (A/CONF.25/L.11)

[Original : Russian]
[8 April 1963]

In paragraph 1, insert the words "and consular employees" between the words "Consular officers" and "shall not be amenable".

DOCUMENT A/CONF.25/L.15

**Norway : amendment to article 22
of the draft convention (A/CONF.25/L.11)**

[Original : English]
[8 April 1963]

Delete paragraph 1 of article 22.

DOCUMENT A/CONF.25/L.17

Ghana : amendment to article 36 of the draft convention (A/CONF.25/L.11)

[Original : English]
[8 April 1963]

Delete paragraph 2 of article 36.

DOCUMENT A/CONF.25/L.19

Austria : amendment to article 5 of the draft convention (A/CONF.25/L.11)

[Original : English]
[8 April 1963]

In sub-paragraph (j) of article 5, insert after the words "in the absence of such conventions" the following words "and save in criminal matters".

DOCUMENT A/CONF.25/L.20

Byelorussian Soviet Socialist Republic and Czechoslovakia : amendment to article 15 of the draft convention (A/CONF.25/L.11)

[Original : Russian]
[8 April 1963]

In paragraph 4, after the words "a member of the diplomatic staff", insert the words "of the diplomatic mission of the sending State in the receiving State".

DOCUMENT A/CONF.25/L.21

Czechoslovakia and Ukrainian Soviet Socialist Republic : amendment to article 40 of the draft convention (A/CONF.25/L.11)

[Original : Russian]
[8 April 1963]

Replace this article by the following text :

"The receiving State shall be under a duty to accord special protection to consular officials by reason of their official position and to treat them with due respect. It shall take all appropriate steps to prevent any attack on their persons, freedom or dignity."

DOCUMENT A/CONF.25/L.22

Ukrainian Soviet Socialist Republic : amendment to article 68 of the draft convention (A/CONF.25/L.11)

[Original : Russian]
[8 April 1963]

Amend paragraph 3 to read :

"3. In the exercise of consular functions a diplomatic mission may address the local and the central authorities of the receiving State, according to the order laid down by the laws, regulations and usages of that State or by relevant international agreements."

DOCUMENT A/CONF.25/L.24

Federal Republic of Germany and Japan : amendment to article 31 of the draft convention (A/CONF.25/L.11)

[Original : English]
[8 April 1963]

In paragraph 1, insert between the words "Consular premises" and "of which" the words "and the residence of the career head of consular post".

DOCUMENT A/CONF.25/L.25

Italy : amendment to article 15 of the draft convention (A/CONF.25/L.11)

[Original : English]
[8 April 1963]

In the first sentence of paragraph 2 of article 15, after the words "shall be notified, either", insert the following : "by the diplomatic mission of the sending State, or, if that State has no such mission in the receiving State,".

DOCUMENT A/CONF.25/L.26

Italy : amendment to article 19 of the draft convention (A/CONF.25/L.11)

[Original : French]
[8 April 1963]

In paragraph 1, after the words "articles 20, 22" delete "and 23" and substitute "23 and 24".

DOCUMENT A/CONF.25/L.27

Italy : amendment to article 21 of the draft convention (A/CONF.25/L.11)

[Original : French]
[8 April 1963]

After the words "shall be notified", insert the words "by the diplomatic mission of the sending State, or, if that State has no such mission,".

DOCUMENT A/CONF.25/L.28

Turkey : amendment to article 20 of the draft convention (A/CONF.25/L.11)

[Original : French]
[9 April 1963]

[This amendment concerns the French text only.]

DOCUMENT A/CONF.25/L.29

Philippines : amendment to article 35 of the draft convention (A/CONF.25/L.11)

[Original : English]
[10 April 1963]

Delete the last sentence of paragraph 5.

DOCUMENT A/CONF.25/L.31

Denmark : amendment to article 35 of the draft convention (A/CONF.25/L.11)

[Original : English]
[11 April 1963]

In paragraph 5 :

(a) Insert after the word "nor" the words " , unless he is a citizen of the sending State,".

(b) Replace the word "thereof" by the words "of the receiving State".

DOCUMENT A/CONF.25/L.30

Federation of Malaya, Japan, Philippines, Thailand, United Arab Republic and Venezuela : amendment to article 36 of the draft convention (A/CONF.25/L.11)

[Original : English]
[10 April 1963]

Amend the first sentence of sub-paragraph (b) of paragraph 1 to read as follows :

"(b) The competent authorities of the receiving

State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State who is arrested or committed to prison or to custody pending trial or is detained in any other manner so requests."

DOCUMENT A/CONF.25/L.32

China : amendment to article 42 of the draft convention (A/CONF.25/L.11)

[Original : English]
[11 April 1963]

Insert the words "or other appropriate" between the words "through the diplomatic" and the word "channel".

DOCUMENT A/CONF.25/L.33

Belgium, Canada, Federal Republic of Germany, Ghana, India, Norway, Poland, Ukrainian Soviet Socialist Republic : amendment to article 43 of the draft convention (A/CONF.25/L.11)

[Original : English]
[11 April 1963]

In paragraph 1, replace the words "consular officers" by the words "members of the consular post".

DOCUMENT A/CONF.25/L.34

Union of Soviet Socialist Republics : amendment to article 36 of the draft convention (A/CONF.25/L.11)

[Original : Russian]
[16 April 1963]

Amend paragraph 2 to read :

"The rights referred to in paragraph 1 of this article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must not nullify these rights."

DOCUMENT A/CONF.25/L.35

Belgium : amendment to article 41 of the draft convention (A/CONF.25/L.11)

[Original : French]
[16 April 1963]

In paragraph 1, replace the words "grave crime" by the words "grave offence".

DOCUMENT A/CONF.25/L.36

Ceylon, Federal Republic of Germany, France, Greece, Guinea : Italy, Japan, Liberia, Mali, Nigeria, Saudi Arabia, Tunisia, United Kingdom, United States of America : amendment to article 30 of the draft convention (A/CONF.25/L.11)

[Original : English]
[16 April 1963]

Amend paragraph 2 to read as follows :

"The authorities of the receiving State shall not enter that part of the consular premises which is used

exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State or, failing such consent, in pursuance of a warrant or of a judicial decision and with the authorization of the Minister for Foreign Affairs of the receiving State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action."

DOCUMENT A/CONF.25/L.38

Spain : amendment to article 48 of the draft convention (A/CONF.25/L.11)

[Original : Spanish]
[17 April 1963]

In paragraph 1 (d), after the words "Dues and taxes on private income", insert the words "including capital gains".

DOCUMENT A/CONF.25/L.39

Tunisia : amendment to article 41 of the draft convention (A/CONF.25/L.11)

[Original : French]
[18 April 1963]

1. Amend paragraph 1 to read :

"Consular officers shall not be liable to arrest or detention pending trial, except :

"(a) In the case of a crime and pursuant to a decision by the competent judicial authority ; or

"(b) In a case of *flagrante delicto*, provided that under the law of the receiving State the offence is punishable by imprisonment for a term of at least five years. In this case, consular officers may not be held in custody for more than 48 hours except by virtue of a decision by the competent judicial authority."

2. In paragraph 2, replace the word "case" by the word "cases".

3. In the second sentence of paragraph 3, replace the word "case" by the word "cases".

DOCUMENT A/CONF.25/L.40

Czechoslovakia and Ukrainian Soviet Socialist Republic : proposal for the reconsideration of article 36

[Original : English]
[18 April 1963]

Reconsider article 36 on the basis of the text of that article as drafted by the International Law Commission (A/CONF.25/6).

DOCUMENT A/CONF.25/L.41 AND ADD.1

Algeria, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Guinea, India, Indonesia, Iran, Lebanon, Liberia, Mali, Nigeria, Pakistan, Republic of Korea, Sierra Leone, Tunisia, Upper Volta : proposed text for article 36

[Original : English]
[18 April 1963]

Word article 36 as follows :

*Communication and contact with nationals
of the sending State*

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State :

(a) Consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State :

(b) Unless he expressly opposes it, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay ;

(c) Consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

2. The rights referred to in paragraph 1 of this article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purpose for which the rights accorded under this article are intended.

DOCUMENT A/CONF.25/L.42

**Switzerland : amendment to article 57
of the draft convention (A/CONF.25/L.11)**

[Original : French]
[18 April 1963]

In paragraph 3, delete the words " or of a consular employee employed at a consular post headed by an honorary consular officer ".

DOCUMENT A/CONF.25/L.43

**Australia : amendment to article 69
of the draft convention (A/CONF.25/L.11)**

[Original : English]
[18 April 1963]

1. In paragraph 1, insert the word " facilities " before the words " privileges and immunities ".

2. In the first and second sentences of paragraph 2, insert the word " facilities " before the words " privileges and immunities ".

DOCUMENT A/CONF.25/L.44

**Switzerland : amendment to article 57
of the draft convention (A/CONF.25/L.11)**

[Original : French]
[18 April 1963]

Add a fourth paragraph as follows :

" 4. The exchange of consular bags between two consular posts headed by honorary consular officers shall not be allowed without the consent of the two receiving States concerned."

DOCUMENT A/CONF.25/L.45

**Uruguay : amendment to article 68
of the draft convention (A/CONF.25/L.11)**

[Original : Spanish]
[18 April 1963]

Replace the full stop at the end of paragraph 2 of article 68 by a comma, and add the words " for the consent of the receiving State ".

DOCUMENT A/CONF.25/L.46 AND CORR.1

Algeria, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Federation of Malaya, Ghana, Guinea, India, Indonesia, Libya, Mali, Mongolia, Nigeria, Saudi Arabia, Sierra Leone, Spain, Syria, Tunisia, United Arab Republic, Upper Volta : proposal for an optional protocol concerning the compulsory settlement of disputes

[Original : English]
[19 April 1963]

**VIENNA CONVENTION
ON CONSULAR RELATIONS**

*Optional Protocol
concerning the Compulsory Settlement of Disputes*

The States parties to the present protocol and to the Vienna Convention on Consular Relations, hereinafter referred to as " the Convention ", adopted by the United Nations Conference held at Vienna from 4 March to ... April 1963,

Expressing their wish to resort in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention to

the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement has been agreed upon by the parties within a reasonable period,

Have agreed as follows :

Article I

Disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to the dispute being a party to the present protocol.

Article II

The parties may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party may bring the dispute before the Court by an application.

Article III

1. Within the same period of two months, the parties may agree to adopt a conciliation procedure before resorting to the International Court of Justice.

2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

Article IV

States parties to the Convention, to the Optional Protocol concerning Acquisition of Nationality, and to the present protocol may at any time declare that they will extend the provisions of the present protocol to disputes arising out of the interpretation or application of the Optional Protocol concerning Acquisition of Nationality. Such declarations shall be notified to the Secretary-General of the United Nations.

Article V

The present protocol shall be open for signature by all States which may become parties to the Convention, as follows: until ... at the Federal Ministry of Foreign Affairs of Austria and subsequently, until ... at the United Nations Headquarters in New York.

Article VI

The present protocol is subject to ratification. The instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article VII

The present protocol shall remain open for accession by all States which may become parties to the Convention. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article VIII

1. The present protocol shall enter into force on the same day as the Convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the protocol with the Secretary-General of the United Nations, whichever day is the later.

2. For each State ratifying or acceding to the present protocol after its entry into force in accordance with paragraph 1 of this article, the protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article IX

The Secretary-General of the United Nations shall inform all States which may become parties to the Convention :

(a) Of signatures to the present protocol and of the deposit of instruments of ratification or accession, in accordance with articles V, VI, and VII ;

(b) Of declarations made in accordance with article IV of the present protocol ;

(c) Of the date on which the present protocol will enter into force, in accordance with article VIII.

Article X

The original of the present protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article V.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present protocol.

Done at Vienna, this ... day of April one thousand nine hundred and sixty-three.

DOCUMENT A/CONF.25/L.47

**Belgium : amendment to article 53
of the draft convention (A/CONF.25/L.11)**

[Original : French]
[19 April 1963]

In paragraph 2, delete the words " or from the date of their entry into the territory of the receiving State ".

DOCUMENT A/CONF.25/L.48

**United Kingdom : amendment to article 53
of the draft convention (A/CONF.25/L.11)**

[Original : English]
[19 April 1963]

In paragraph 1, replace the words " from the moment when his appointment is notified to the Ministry for Foreign Affairs or to the authority designated by that Ministry " by the words " from the moment when he enters on his duties with the consular post ".

Explanatory note by the sponsor

This amendment is desirable having regard to paragraph 3 of article 23, read together with paragraph 2 of article 19. It seems clear that the crucial date for the commencement of privileges and immunities should be the date on which the member of the consular post enters on his duties with the consular post in accordance with paragraph 3 of article 23 and not the date of the notification made under paragraph 2 of article 19.

Paragraph 1 of article 53 is similar to paragraph 1 of article 39 of the Vienna Convention on Diplomatic Relations, but in the view of the United Kingdom delegation, the 1961 Convention should not be followed on the above point. The 1961 Convention contains no provisions corresponding to paragraph 3 of article 23 or paragraph 2 of article 19 of the present convention.

DOCUMENT A/CONF.25/L.49

Canada, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Ecuador, Federation of Malaya, Guinea, India, Indonesia, Japan, Liberia, Mali, Pakistan, Philippines, Republic of Korea, Sierra Leone, Syria, Thailand, United Arab Republic, Venezuela : amendment to the text of article 36 proposed in document A/CONF.25/L.41

[Original : English]
[20 April 1963]

In paragraph 1, sub-paragraph (b), replace the words "unless he expressly opposes it" by the words "if he so requests".

DOCUMENT A/CONF.25/L.50

United Kingdom : amendment to the text of article 36 proposed in document A/CONF.25/L.41

[Original : English]
[20 April 1963]

Add at the end of sub-paragraph (b) of paragraph 1 :
"The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph".

DOCUMENT A/CONF.25/L.51

Greece : amendment to article 69 of the draft convention (A/CONF.25/L.11)

[Original : French]
[20 April 1963]

Add a paragraph 3 in the following terms :

"3. The provisions of article 35 concerning diplomatic and consular couriers and concerning the consular bag shall not apply to consular posts which are headed by an honorary consular officer who is a national of the receiving State."